

Bill No. SB 1144

Barcode 791040

Proposed Committee Substitute by the Committee on Governmental
Oversight and Productivity

1 A bill to be entitled
2 An act relating to public records and public
3 meetings; amending s. 119.01, F.S.; clarifying
4 general state policy on public records;
5 amending s. 119.07, F.S.; conforming
6 cross-references; making editorial and
7 conforming changes; transferring exemptions
8 from public-records requirements under that
9 section to indicated sections of Florida
10 Statutes; amending s. 119.071, F.S.;
11 transferring exemptions from public-records
12 requirements under s. 119.07(6), F.S., to that
13 section and reorganizing the exemptions under
14 the classifications of "Agency Administration,"
15 "Agency Investigations," "Security," "Agency
16 Personnel Information," and "Other Personal
17 Information"; making editorial and conforming
18 changes; transferring and amending s. 119.0721,
19 F.S.; transferring exemptions provided for
20 social security numbers to s. 119.071, F.S.;
21 making editorial and conforming changes;
22 deleting obsolete provisions; creating s.
23 119.0711, F.S.; transferring exemptions under
24 s. 119.07(6), F.S., to that section and
25 reorganizing the exemptions under the
26 classification of "Executive Branch Agency
27 Exemptions from Inspection and Copying of
28 Public Records"; making editorial and
29 conforming changes; creating s. 119.0712, F.S.;
30 transferring exemptions under s. 119.07(6),
31 F.S., to that section and reorganizing the

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1 exemptions under the classification of
2 "Executive Branch Agency-Specific Exemptions
3 from Inspection and Copying of Public Records";
4 making editorial and conforming changes;
5 creating s. 119.0713, F.S.; transferring
6 exemptions under s. 119.07(6), F.S., to that
7 section and reorganizing the exemptions under
8 the classification of "Local Government Branch
9 Agency Exemptions from Inspection and Copying
10 of Public Records"; making editorial and
11 conforming changes; amending s. 119.15, F.S.;
12 revising standards and guidelines for the
13 review and repeal of exemptions from
14 public-records and public-meetings requirements
15 pursuant to the Open Government Sunset Review
16 Act; making editorial and conforming changes;
17 creating s. 112.31891, F.S.; transferring
18 exemptions under s. 119.07(6), F.S., to that
19 section and reorganizing the exemptions under
20 the classification of "Investigatory Records";
21 making editorial and conforming changes;
22 creating s. 27.7081, F.S.; transferring
23 provisions relating to capital postconviction
24 public records production under s. 119.19,
25 F.S., to that section; amending ss. 27.708,
26 101.5607, 112.533, 119.011, 286.0113, 287.0943,
27 320.05, 322.20, 338.223, 401.27, 409.2577,
28 633.527, 794.024, and 1007.35, F.S.; conforming
29 cross-references; providing an effective date.
30

31 Be It Enacted by the Legislature of the State of Florida:

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1 Section 1. Subsection (1) of section 119.01, Florida
2 Statutes, is amended to read:

3 119.01 General state policy on public records.--

4 (1) It is the policy of this state that all state,
5 county, and municipal records are open for personal inspection
6 and copying by any person. Providing access to public records
7 is a duty of each agency.

8 Section 2. Paragraph (e) of subsection (1), and
9 subsections (7), (8), (9), and (10) of section 119.07, Florida
10 Statutes, are amended to read:

11 119.07 Inspection and copying of records;
12 photographing public records; fees; exemptions.--

13 (1)

14 (e) In any civil action in which an exemption to this
15 section is asserted, if the exemption is alleged to exist
16 under or by virtue of s. 119.071(1)(d) or (f), (2)(d), (e), or
17 (f), or (4)(c) paragraph (6)(c), paragraph (6)(d), paragraph
18 (6)(e), paragraph (6)(k), paragraph (6)(l), or paragraph
19 (6)(o), the public record or part thereof in question shall be
20 submitted to the court for an inspection in camera. If an
21 exemption is alleged to exist under or by virtue of s.
22 119.071(2)(c) paragraph (6)(b), an inspection in camera is
23 discretionary with the court. If the court finds that the
24 asserted exemption is not applicable, it shall order the
25 public record or part thereof in question to be immediately
26 produced for inspection or copying as requested by the person
27 seeking such access.

28 ~~(6)(7)~~ Nothing in this chapter ~~section~~ shall be
29 construed to exempt from subsection (1) a public record that
30 ~~which~~ was made a part of a court file and that ~~which~~ is not
31 specifically closed by order of court, except as provided in

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1 ~~paragraphs s. 119.071 (1) (d) and (f), (2) (d), (e), and (f), and~~
2 ~~(4) (c) (c), (d), (e), (k), (l), and (o) of subsection (6) and~~
3 except information or records that ~~which~~ may reveal the
4 identity of a person who is a victim of a sexual offense as
5 provided in s. 119.071(2) (h) ~~paragraph (f) of subsection (6).~~
6 (7) (8) An exemption contained in this chapter ~~Nothing~~
7 ~~in subsection (6) or in~~ any other general or special law shall
8 not limit the access of the Auditor General, the Office of
9 Program Policy Analysis and Government Accountability, or any
10 state, county, municipal, university, board of community
11 college, school district, or special district internal auditor
12 to public records when such person states in writing that such
13 records are needed for a properly authorized audit,
14 examination, or investigation. Such person shall maintain the
15 exempt or confidential status of that ~~a public record that is~~
16 ~~exempt or confidential from the provisions of subsection (1)~~
17 and shall be subject to the same penalties as the custodian of
18 that record for public disclosure of such record.
19 (8) (9) An exemption from this section does not imply
20 an exemption from s. 286.011. The exemption from s. 286.011
21 must be expressly provided.
22 (9) (10) The provisions of this section are not
23 intended to expand or limit the provisions of Rule 3.220,
24 Florida Rules of Criminal Procedure, regarding the right and
25 extent of discovery by the state or by a defendant in a
26 criminal prosecution or in collateral postconviction
27 proceedings. This section may not be used by any inmate as the
28 basis for failing to timely litigate any postconviction
29 action.
30 Section 3. Paragraph (a) of subsection (6) of section
31 119.07, Florida Statutes, is transferred, redesignated as

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1 paragraph (a) of subsection (1) of section 119.071, Florida
2 Statutes, and amended to read:

3 119.071 General exemptions from inspection or copying
4 of public records.--

5 (1) AGENCY ADMINISTRATION.--

6 (a) Examination questions and answer sheets of
7 examinations administered by a governmental agency for the
8 purpose of licensure, certification, or employment are exempt
9 from s. 119.07(1) ~~the provisions of subsection (1)~~ and s.
10 24(a), Art. I of the State Constitution. A person who has
11 taken such an examination has ~~shall have~~ the right to review
12 his or her own completed examination.

13 Section 4. Paragraph (m) of subsection (6) of section
14 119.07, Florida Statutes, is transferred, redesignated as
15 paragraph (b) of subsection (1) of section 119.071, Florida
16 Statutes, and amended to read:

17 119.071 General exemptions from inspection or copying
18 of public records.--

19 (1) AGENCY ADMINISTRATION.--

20 (b) (m) Sealed bids or proposals received by an agency
21 pursuant to invitations to bid or requests for proposals are
22 exempt from s. 119.07(1) ~~the provisions of subsection (1)~~ and
23 s. 24(a), Art. I of the State Constitution until such time as
24 the agency provides notice of a decision or intended decision
25 pursuant to s. 120.57(3)(a) or within 10 days after bid or
26 proposal opening, whichever is earlier.

27 Section 5. Paragraph (t) of subsection (6) of section
28 119.07, Florida Statutes, is transferred, redesignated as
29 paragraph (c) of subsection (1) of section 119.071, Florida
30 Statutes, and amended to read:

31 119.071 General exemptions from inspection or copying

1 of public records.--

2 (1) AGENCY ADMINISTRATION.--

3 (c)(t) Any financial statement that ~~which~~ an agency
4 requires a prospective bidder to submit in order to prequalify
5 for bidding or for responding to a proposal for a road or any
6 other public works project is exempt from s. 119.07(1) ~~the~~
7 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
8 Constitution.

9 Section 6. Paragraph (1) of subsection (6) of section
10 119.07, Florida Statutes, is transferred, redesignated as
11 paragraph (d) of subsection (1) of section 119.071, Florida
12 Statutes, and amended to read:

13 119.071 General exemptions from inspection or copying
14 of public records.--

15 (1) AGENCY ADMINISTRATION.--

16 (d)(t)1. A public record that ~~which~~ was prepared by an
17 agency attorney (including an attorney employed or retained by
18 the agency or employed or retained by another public officer
19 or agency to protect or represent the interests of the agency
20 having custody of the record) or prepared at the attorney's
21 express direction, that ~~which~~ reflects a mental impression,
22 conclusion, litigation strategy, or legal theory of the
23 attorney or the agency, and that ~~which~~ was prepared
24 exclusively for civil or criminal litigation or for
25 adversarial administrative proceedings, or that ~~which~~ was
26 prepared in anticipation of imminent civil or criminal
27 litigation or imminent adversarial administrative proceedings,
28 is exempt from s. 119.07(1) ~~the provisions of subsection (1)~~
29 and s. 24(a), Art. I of the State Constitution until the
30 conclusion of the litigation or adversarial administrative
31 proceedings. For purposes of capital collateral litigation as

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1 set forth in s. 27.7001, the Attorney General's office is
2 entitled to claim this exemption for those public records
3 prepared for direct appeal as well as for all capital
4 collateral litigation after direct appeal until execution of
5 sentence or imposition of a life sentence.

6 2. This exemption is not waived by the release of such
7 public record to another public employee or officer of the
8 same agency or any person consulted by the agency
9 attorney. When asserting the right to withhold a public
10 record pursuant to this paragraph, the agency shall identify
11 the potential parties to any such criminal or civil litigation
12 or adversarial administrative proceedings. If a court finds
13 that the document or other record has been improperly withheld
14 under this paragraph, the party seeking access to such
15 document or record shall be awarded reasonable attorney's fees
16 and costs in addition to any other remedy ordered by the
17 court.

18 Section 7. Paragraph (ii) of subsection (6) of section
19 119.07, Florida Statutes, is transferred and redesignated as
20 paragraph (e) of subsection (1) of section 119.071, Florida
21 Statutes, and amended to read:

22 119.071 General exemptions from inspection or copying
23 of public records.--

24 (1) AGENCY ADMINISTRATION.--

25 ~~(e)(ii)~~ Any videotape or video signal that, under an
26 agreement with an agency, is produced, made, or received by,
27 or is in the custody of, a federally licensed radio or
28 television station or its agent is exempt from s. 119.07(1)
29 ~~this chapter.~~

30 Section 8. Paragraph (o) of subsection (6) of section
31 119.07, Florida Statutes, is transferred, redesignated as

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1 paragraph (f) of subsection (1) of section 119.071, Florida
2 Statutes, and amended to read:

3 119.071 General exemptions from inspection or copying
4 of public records.--

5 (1) AGENCY ADMINISTRATION.--

6 (f)(c) Data processing software obtained by an agency
7 under a licensing agreement that ~~which~~ prohibits its
8 disclosure and which software is a trade secret, as defined in
9 s. 812.081, and agency-produced data processing software that
10 ~~which~~ is sensitive are exempt from s. 119.07(1) the provisions
11 ~~of subsection (1)~~ and s. 24(a), Art. I of the State
12 Constitution. The designation of agency-produced software as
13 sensitive shall not prohibit an agency head from sharing or
14 exchanging such software with another public agency.

15 Section 9. Paragraph (h) of subsection (6) of section
16 119.07, Florida Statutes, is transferred, redesignated as
17 paragraph (a) of subsection (2) of section 119.071, Florida
18 Statutes, and amended to read:

19 119.071 General exemptions from inspection or copying
20 of public records.--

21 (2) AGENCY INVESTIGATIONS.--

22 (a)(h) All criminal intelligence and criminal
23 investigative information received by a criminal justice
24 agency prior to January 25, 1979, is exempt from s. 119.07(1)
25 ~~the provisions of subsection (1)~~ and s. 24(a), Art. I of the
26 State Constitution.

27 Section 10. Section 119.072, Florida Statutes, is
28 transferred, redesignated as paragraph (b) of subsection (2)
29 of section 119.071, Florida Statutes, and amended to read:

30 119.071 General exemptions from inspection or copying
31 of public records.--

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1 (2) AGENCY INVESTIGATIONS.--

2 (b) ~~119.072 Criminal intelligence or investigative~~
3 ~~information obtained from out of state agencies.--~~ Whenever
4 criminal intelligence information or criminal investigative
5 information held by a non-Florida criminal justice agency is
6 available to a Florida criminal justice agency only on a
7 confidential or similarly restricted basis, the Florida
8 criminal justice agency may obtain and use such information in
9 accordance with the conditions imposed by the providing
10 agency.

11 Section 11. Paragraph (b) of subsection (6) of section
12 119.07, Florida Statutes, is transferred, redesignated as
13 paragraph (c) of subsection (2) of section 119.071, Florida
14 Statutes, and amended to read:

15 119.071 General exemptions from inspection or copying
16 of public records.--

17 (2) AGENCY INVESTIGATIONS.--

18 (c) ~~(b)~~ 1. Active criminal intelligence information and
19 active criminal investigative information are exempt from s.
20 ~~119.07(1) the provisions of subsection (1)~~ and s. 24(a), Art.
21 I of the State Constitution.

22 2. A request of a law enforcement agency to inspect or
23 copy a public record that is in the custody of another agency,
24 the custodian's response to the request, and any information
25 that would identify the public record that was requested by
26 the law enforcement agency or provided by the custodian are
27 exempt from s. 119.07(1) the requirements of subsection (1)
28 and s. 24(a), Art. I of the State Constitution, during the
29 period in which the information constitutes criminal
30 intelligence information or criminal investigative information
31 that is active. This exemption is remedial in nature, and it

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1 is the intent of the Legislature that the exemption be applied
2 to requests for information received before, on, or after the
3 effective date of this subparagraph. The law enforcement
4 agency shall give notice to the custodial agency when the
5 criminal intelligence information or criminal investigative
6 information is no longer active, so that the custodian's
7 response to the request and information that would identify
8 the public record requested are available to the public. This
9 subparagraph is subject to the Open Government Sunset Review
10 Act of 1995 in accordance with s. 119.15 and shall stand
11 repealed October 2, 2007, unless reviewed and saved from
12 repeal through reenactment by the Legislature.

13 Section 12. Paragraph (d) of subsection (6) of section
14 119.07, Florida Statutes, is transferred, redesignated as
15 paragraph (d) of subsection (2) of section 119.071, Florida
16 Statutes, and amended to read:

17 119.071 General exemptions from inspection or copying
18 of public records.--

19 (2) AGENCY INVESTIGATIONS.--

20 (d) Any information revealing surveillance techniques
21 or procedures or personnel is exempt from s. 119.07(1) ~~the~~
22 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
23 Constitution. Any comprehensive inventory of state and local
24 law enforcement resources compiled pursuant to part I, chapter
25 23, and any comprehensive policies or plans compiled by a
26 criminal justice agency pertaining to the mobilization,
27 deployment, or tactical operations involved in responding to
28 emergencies, as defined in s. 252.34(3), are exempt from s.
29 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art.
30 I of the State Constitution and unavailable for inspection,
31 except by personnel authorized by a state or local law

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1 enforcement agency, the office of the Governor, the Department
2 of Legal Affairs, the Department of Law Enforcement, or the
3 Department of Community Affairs as having an official need for
4 access to the inventory or comprehensive policies or plans.

5 Section 13. Paragraph (k) of subsection (6) of section
6 119.07, Florida Statutes, is transferred, redesignated as
7 paragraph (e) of subsection (2) of section 119.071, Florida
8 Statutes, and amended to read:

9 119.071 General exemptions from inspection or copying
10 of public records.--

11 (2) AGENCY INVESTIGATIONS.--

12 (e) ~~(k)~~ Any information revealing the substance of a
13 confession of a person arrested is exempt from s. 119.07(1)
14 ~~the provisions of subsection (1)~~ and s. 24(a), Art. I of the
15 State Constitution, until such time as the criminal case is
16 finally determined by adjudication, dismissal, or other final
17 disposition.

18 Section 14. Paragraph (c) of subsection (6) of section
19 119.07, Florida Statutes, is transferred, redesignated as
20 paragraph (f) of subsection (2) of section 119.071, Florida
21 Statutes, and amended to read:

22 119.071 General exemptions from inspection or copying
23 of public records.--

24 (2) AGENCY INVESTIGATIONS.--

25 (f) ~~(c)~~ Any information revealing the identity of a
26 confidential informant or a confidential source is exempt from
27 s. 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a),
28 Art. I of the State Constitution.

29 Section 15. Paragraph (u) of subsection (6) of section
30 119.07, Florida Statutes, is transferred, redesignated as
31 paragraph (g) of subsection (2) of section 119.071, Florida

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1 Statutes, and amended to read:

2 119.071 General exemptions from inspection or copying
3 of public records.--

4 (2) AGENCY INVESTIGATIONS.--

5 (g) ~~(u)~~ When ~~where~~ the alleged victim chooses not to
6 file a complaint and requests that records of the complaint
7 remain confidential, all records relating to an allegation of
8 employment discrimination are confidential and exempt from s.
9 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art.
10 I of the State Constitution.

11 Section 16. Paragraphs (f) and (g) of subsection (6)
12 of section 119.07, Florida Statutes, are transferred,
13 redesignated as paragraphs (h) and (i), respectively, of
14 subsection (2) of section 119.071, Florida Statutes, and
15 amended to read:

16 119.071 General exemptions from inspection or copying
17 of public records.--

18 (2) AGENCY INVESTIGATIONS.--

19 (h) ~~(f)~~1. Any criminal intelligence information or
20 criminal investigative information including the photograph,
21 name, address, or other fact or information which reveals the
22 identity of the victim of the crime of sexual battery as
23 defined in chapter 794; the identity of the victim of a lewd
24 or lascivious offense committed upon or in the presence of a
25 person less than 16 years of age, as defined in chapter 800;
26 or the identity of the victim of the crime of child abuse as
27 defined by chapter 827 and any criminal intelligence
28 information or criminal investigative information or other
29 criminal record, including those portions of court records and
30 court proceedings, which may reveal the identity of a person
31 who is a victim of any sexual offense, including a sexual

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1 offense proscribed in chapter 794, chapter 800, or chapter
2 827, is exempt from s. 119.07(1) ~~the provisions of subsection~~
3 ~~(1)~~ and s. 24(a), Art. I of the State Constitution.

4 2. In addition to subparagraph 1., any criminal
5 intelligence information or criminal investigative information
6 that ~~which~~ is a photograph, videotape, or image of any part of
7 the body of the victim of a sexual offense prohibited under
8 chapter 794, chapter 800, or chapter 827, regardless of
9 whether the photograph, videotape, or image identifies the
10 victim, is confidential and exempt from s. 119.07(1)
11 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
12 This exemption applies to photographs, videotapes, or images
13 held as criminal intelligence information or criminal
14 investigative information before, on, or after the effective
15 date of the exemption.

16 ~~(i)(g)~~ Any criminal intelligence information or
17 criminal investigative information that ~~which~~ reveals the
18 personal assets of the victim of a crime, other than property
19 stolen or destroyed during the commission of the crime, is
20 exempt from s. 119.07(1) ~~the provisions of subsection (1)~~ and
21 s. 24(a), Art. I of the State Constitution.

22 Section 17. Paragraph (s) of subsection (6) of section
23 119.07, Florida Statutes, is transferred, redesignated as
24 paragraph (j) of subsection (2) of section 119.071, Florida
25 Statutes, and amended to read:

26 119.071 General exemptions from inspection or copying
27 of public records.--

28 (2) AGENCY INVESTIGATIONS.--

29 ~~(j)(s)~~1. Any document that reveals the identity, home
30 or employment telephone number, home or employment address, or
31 personal assets of the victim of a crime and identifies that

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1 person as the victim of a crime, which document is received by
2 any agency that regularly receives information from or
3 concerning the victims of crime, is exempt from s. 119.07(1)
4 ~~the provisions of subsection (1)~~ and s. 24(a), Art. I of the
5 State Constitution. Any information not otherwise held
6 confidential or exempt from s. 119.07(1) ~~the provisions of~~
7 ~~subsection (1)~~ which reveals the home or employment telephone
8 number, home or employment address, or personal assets of a
9 person who has been the victim of sexual battery, aggravated
10 child abuse, aggravated stalking, harassment, aggravated
11 battery, or domestic violence is exempt from s. 119.07(1) ~~the~~
12 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
13 Constitution, upon written request by the victim, which must
14 include official verification that an applicable crime has
15 occurred. Such information shall cease to be exempt 5 years
16 after the receipt of the written request. Any state or federal
17 agency that is authorized to have access to such documents by
18 any provision of law shall be granted such access in the
19 furtherance of such agency's statutory duties, notwithstanding
20 ~~the provisions of this section.~~

21 2.a. Any information in a videotaped statement of a
22 minor who is alleged to be or who is a victim of sexual
23 battery, lewd acts, or other sexual misconduct proscribed in
24 chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s.
25 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which
26 reveals that minor's identity, including, but not limited to,
27 the minor's face; the minor's home, school, church, or
28 employment telephone number; the minor's home, school, church,
29 or employment address; the name of the minor's school, church,
30 or place of employment; or the personal assets of the minor;
31 and which identifies that minor as the victim of a crime

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1 described in this subparagraph, held by a law enforcement
2 agency, is confidential and exempt from s. 119.07(1)
3 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
4 Any governmental agency that is authorized to have access to
5 such statements by any provision of law shall be granted such
6 access in the furtherance of the agency's statutory duties,
7 notwithstanding the provisions of this section.

8 b. A public employee or officer who has access to a
9 videotaped statement of a minor who is alleged to be or who is
10 a victim of sexual battery, lewd acts, or other sexual
11 misconduct proscribed in chapter 800 or in s. 794.011, s.
12 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or
13 s. 847.0145~~7~~, may not willfully and knowingly disclose
14 videotaped information that reveals the minor's identity to a
15 person who is not assisting in the investigation or
16 prosecution of the alleged offense or to any person other than
17 the defendant, the defendant's attorney, or a person specified
18 in an order entered by the court having jurisdiction of the
19 alleged offense. A person who violates this provision commits
20 a misdemeanor of the first degree, punishable as provided in
21 s. 775.082 or s. 775.083.

22 Section 18. Present section 119.071, Florida Statutes,
23 is redesignated as paragraph (a) of subsection (3) of that
24 section and amended to read:

25 119.071 General exemptions from inspection or copying
26 of public records.--

27 (3) SECURITY.--

28 (a) A security system plan or portion thereof for:

29 1.(1) Any property owned by or leased to the state or
30 any of its political subdivisions; or

31 2.(2) Any privately owned or leased property

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2 which plan or portion thereof is held by any agency, ~~as~~
3 ~~defined in s. 119.011~~, is confidential and exempt from the
4 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
5 Constitution. As used in this paragraph section, the term a
6 "security system plan" includes all records, information,
7 photographs, audio and visual presentations, schematic
8 diagrams, surveys, recommendations, or consultations or
9 portions thereof relating directly to the physical security of
10 the facility or revealing security systems; threat assessments
11 conducted by any agency ~~as defined in s. 119.011~~ or any
12 private entity; threat response plans; emergency evacuation
13 plans; sheltering arrangements; or manuals for security
14 personnel, emergency equipment, or security training. This
15 exemption is remedial in nature and it is the intent of the
16 Legislature that this exemption be applied to security system
17 plans held by an agency before, on, or after the effective
18 date of this paragraph section. Information made confidential
19 and exempt by this paragraph section may be disclosed by the
20 custodial agency to the property owner or leaseholder; or such
21 information may be disclosed by the custodial agency to
22 another state or federal agency to prevent, detect, guard
23 against, respond to, investigate, or manage the consequences
24 of any attempted or actual act of terrorism, or to prosecute
25 those persons who are responsible for such attempts or acts,
26 and the confidential and exempt status of such information
27 shall be retained while in the possession of the receiving
28 agency. This paragraph section is subject to the Open
29 Government Sunset Review Act ~~of 1995~~, in accordance with s.
30 119.157 and shall stand repealed on October 2, 2006, unless
31 reviewed and saved from repeal through reenactment by the

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1 Legislature.

2 Section 19. Paragraphs (ee) and (ff) of subsection (6)
3 of section 119.07, Florida Statutes, are transferred,
4 redesignated as paragraphs (b) and (c), respectively, of
5 subsection (3) of section 119.071, Florida Statutes, and
6 amended to read:

7 119.071 General exemptions from inspection or copying
8 of public records.--

9 (3) SECURITY.--

10 (b) ~~(ee)~~ Building plans, blueprints, schematic
11 drawings, and diagrams, including draft, preliminary, and
12 final formats, which depict the internal layout and structural
13 elements of a building, arena, stadium, water treatment
14 facility, or other structure owned or operated by an agency ~~as~~
15 ~~defined in s. 119.011~~ are exempt from s. 119.07(1) ~~the~~
16 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
17 Constitution. This exemption applies to building plans,
18 blueprints, schematic drawings, and diagrams, including draft,
19 preliminary, and final formats, which depict the internal
20 layout and structural elements of a building, arena, stadium,
21 water treatment facility, or other structure owned or operated
22 by an agency before, on, or after the effective date of this
23 act. Information made exempt by this paragraph may be
24 disclosed to another governmental entity if disclosure is
25 necessary for the receiving entity to perform its duties and
26 responsibilities; to a licensed architect, engineer, or
27 contractor who is performing work on or related to the
28 building, arena, stadium, water treatment facility, or other
29 structure owned or operated by an agency; or upon a showing of
30 good cause before a court of competent jurisdiction. The
31 entities or persons receiving such information shall maintain

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1 the exempt status of the information. This paragraph is
2 subject to the Open Government Sunset Review Act ~~of 1995~~ in
3 accordance with s. 119.15~~7~~, and shall stand repealed on October
4 2, 2007, unless reviewed and reenacted by the Legislature.

5 (c) ~~(ff)~~ Building plans, blueprints, schematic
6 drawings, and diagrams, including draft, preliminary, and
7 final formats, which depict the internal layout or structural
8 elements of an attractions and recreation facility,
9 entertainment or resort complex, industrial complex, retail
10 and service development, office development, or hotel or motel
11 development, which documents are held by an agency ~~as defined~~
12 ~~in s. 119.011~~, are exempt from s. 119.07(1) ~~the provisions of~~
13 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
14 This exemption applies to any such documents held ~~either~~
15 ~~permanently or temporarily~~ by an agency before, on, or after
16 the effective date of this act. Information made exempt by
17 this paragraph may be disclosed to another governmental entity
18 if disclosure is necessary for the receiving entity to perform
19 its duties and responsibilities; to the owner or owners of the
20 structure in question or the owner's legal representative; or
21 upon a showing of good cause before a court of competent
22 jurisdiction. As used in this paragraph, the term:

23 1. "Attractions and recreation facility" means any
24 sports, entertainment, amusement, or recreation facility,
25 including, but not limited to, a sports arena, stadium,
26 racetrack, tourist attraction, amusement park, or pari-mutuel
27 facility that:

28 a. For single-performance facilities:

29 (I) Provides single-performance facilities; or

30 (II) Provides more than 10,000 permanent seats for

31 spectators.

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1 b. For serial-performance facilities:

2 (I) Provides parking spaces for more than 1,000 motor
3 vehicles; or

4 (II) Provides more than 4,000 permanent seats for
5 spectators.

6 2. "Entertainment or resort complex" means a theme
7 park comprised of at least 25 acres of land with permanent
8 exhibitions and a variety of recreational activities, which
9 has at least 1 million visitors annually who pay admission
10 fees thereto, together with any lodging, dining, and
11 recreational facilities located adjacent to, contiguous to, or
12 in close proximity to the theme park, as long as the owners or
13 operators of the theme park, or a parent or related company or
14 subsidiary thereof, has an equity interest in the lodging,
15 dining, or recreational facilities or is in privity therewith.
16 Close proximity includes an area within a 5-mile radius of the
17 theme park complex.

18 3. "Industrial complex" means any industrial,
19 manufacturing, processing, distribution, warehousing, or
20 wholesale facility or plant, as well as accessory uses and
21 structures, under common ownership which:

22 a. Provides onsite parking for more than 250 motor
23 vehicles;

24 b. Encompasses 500,000 square feet or more of gross
25 floor area; or

26 c. Occupies a site of 100 acres or more, but excluding
27 wholesale facilities or plants that primarily serve or deal
28 onsite with the general public.

29 4. "Retail and service development" means any retail,
30 service, or wholesale business establishment or group of
31 establishments which deals primarily with the general public

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1 onsite and is operated under one common property ownership,
 2 development plan, or management that:
 3 a. Encompasses more than 400,000 square feet of gross
 4 floor area; or
 5 b. Provides parking spaces for more than 2,500 motor
 6 vehicles.
 7 5. "Office development" means any office building or
 8 park operated under common ownership, development plan, or
 9 management that encompasses 300,000 or more square feet of
 10 gross floor area.
 11 6. "Hotel or motel development" means any hotel or
 12 motel development that accommodates 350 or more units.
 13
 14 This exemption does not apply to comprehensive plans or site
 15 plans, or amendments thereto, which are submitted for approval
 16 or which have been approved under local land development
 17 regulations, local zoning regulations, or
 18 development-of-regional-impact review.
 19 Section 20. Paragraph (x) of subsection (6) of section
 20 119.07, Florida Statutes, is transferred, redesignated as
 21 paragraph (a) of subsection (4) of section 119.071, Florida
 22 Statutes, and amended to read:
 23 119.071 General exemptions from inspection or copying
 24 of public records.--
 25 (4) AGENCY PERSONNEL INFORMATION.--
 26 (a) ~~(*)~~1. The social security numbers of all current
 27 and former agency employees which numbers are contained in
 28 agency employment records are exempt from s. 119.07(1)
 29 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
 30 ~~As used in this paragraph, the term "agency" means an agency~~
 31 ~~as defined in s. 119.011.~~

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1 2. An agency that is the custodian of a social
2 security number specified in subparagraph 1. and that is not
3 the employing agency shall maintain the exempt status of the
4 social security number only if the employee or the employing
5 agency of the employee submits a written request for
6 confidentiality to the custodial agency. However, upon a
7 request by a commercial entity as provided in subparagraph
8 (5) (a) 5. s. 119.0721, the custodial agency shall release the
9 last four digits of the exempt social security number, except
10 that a social security number provided in a lien filed with
11 the Department of State shall be released in its entirety.
12 This subparagraph is subject to the Open Government Sunset
13 Review Act of 1995 in accordance with s. 119.15 and shall
14 stand repealed on October 2, 2009, unless reviewed and saved
15 from repeal through reenactment by the Legislature.

16 Section 21. Paragraph (v) of subsection (6) of section
17 119.07, Florida Statutes, is transferred, redesignated as
18 paragraph (b) of subsection (4) of section 119.071, Florida
19 Statutes, and amended to read:

20 119.071 General exemptions from inspection or copying
21 of public records.--

22 (4) AGENCY PERSONNEL INFORMATION.--

23 (b) (v) Medical information pertaining to a
24 prospective, current, or former officer or employee of an
25 agency which, if disclosed, would identify that officer or
26 employee is exempt from s. 119.07(1) the provisions of
27 subsection (1) and s. 24(a), Art. I of the State Constitution.
28 However, such information may be disclosed if the person to
29 whom the information pertains or the person's legal
30 representative provides written permission or pursuant to
31 court order.

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1 Section 22. Paragraph (e) of subsection (6) of section
2 119.07, Florida Statutes, is transferred, redesignated as
3 paragraph (c) of subsection (4) of section 119.071, Florida
4 Statutes, and amended to read:

5 119.071 General exemptions from inspection or copying
6 of public records.--

7 (4) AGENCY PERSONNEL INFORMATION.--

8 ~~(c) (e)~~ Any information revealing undercover personnel
9 of any criminal justice agency is exempt from s. 119.07(1) ~~the~~
10 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
11 Constitution.

12 Section 23. Paragraph (i) of subsection (6) of section
13 119.07, Florida Statutes, is transferred, redesignated as
14 paragraph (d) of subsection (4) of section 119.071, Florida
15 Statutes, and amended to read:

16 119.071 General exemptions from inspection or copying
17 of public records.--

18 (4) AGENCY PERSONNEL INFORMATION.--

19 ~~(d) (i)~~1. The home addresses, telephone numbers, social
20 security numbers, and photographs of active or former law
21 enforcement personnel, including correctional and correctional
22 probation officers, personnel of the Department of Children
23 and Family Services whose duties include the investigation of
24 abuse, neglect, exploitation, fraud, theft, or other criminal
25 activities, personnel of the Department of Health whose duties
26 are to support the investigation of child abuse or neglect,
27 and personnel of the Department of Revenue or local
28 governments whose responsibilities include revenue collection
29 and enforcement or child support enforcement; the home
30 addresses, telephone numbers, social security numbers,
31 photographs, and places of employment of the spouses and

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1 children of such personnel; and the names and locations of
2 schools and day care facilities attended by the children of
3 such personnel are exempt from s. 119.07(1) ~~the provisions of~~
4 ~~subsection (1)~~. The home addresses, telephone numbers, and
5 photographs of firefighters certified in compliance with s.
6 633.35; the home addresses, telephone numbers, photographs,
7 and places of employment of the spouses and children of such
8 firefighters; and the names and locations of schools and day
9 care facilities attended by the children of such firefighters
10 are exempt from s. 119.07(1) ~~subsection (1)~~. The home
11 addresses and telephone numbers of justices of the Supreme
12 Court, district court of appeal judges, circuit court judges,
13 and county court judges; the home addresses, telephone
14 numbers, and places of employment of the spouses and children
15 of justices and judges; and the names and locations of schools
16 and day care facilities attended by the children of justices
17 and judges are exempt from s. 119.07(1) ~~the provisions of~~
18 ~~subsection (1)~~. The home addresses, telephone numbers, social
19 security numbers, and photographs of current or former state
20 attorneys, assistant state attorneys, statewide prosecutors,
21 or assistant statewide prosecutors; the home addresses,
22 telephone numbers, social security numbers, photographs, and
23 places of employment of the spouses and children of current or
24 former state attorneys, assistant state attorneys, statewide
25 prosecutors, or assistant statewide prosecutors; and the names
26 and locations of schools and day care facilities attended by
27 the children of current or former state attorneys, assistant
28 state attorneys, statewide prosecutors, or assistant statewide
29 prosecutors are exempt from s. 119.07(1) ~~subsection (1)~~ and s.
30 24(a), Art. I of the State Constitution.

31 2. The home addresses, telephone numbers, social

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1 security numbers, and photographs of current or former human
2 resource, labor relations, or employee relations directors,
3 assistant directors, managers, or assistant managers of any
4 local government agency or water management district whose
5 duties include hiring and firing employees, labor contract
6 negotiation, administration, or other personnel-related
7 duties; the names, home addresses, telephone numbers, social
8 security numbers, photographs, and places of employment of the
9 spouses and children of such personnel; and the names and
10 locations of schools and day care facilities attended by the
11 children of such personnel are exempt from s. 119.07(1)
12 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
13 This subparagraph is subject to the Open Government Sunset
14 Review Act ~~of 1995~~ in accordance with s. 119.15~~7~~, and shall
15 stand repealed on October 2, 2006, unless reviewed and saved
16 from repeal through reenactment by the Legislature.

17 3. The home addresses, telephone numbers, social
18 security numbers, and photographs of current or former United
19 States attorneys and assistant United States attorneys; the
20 home addresses, telephone numbers, social security numbers,
21 photographs, and places of employment of the spouses and
22 children of current or former United States attorneys and
23 assistant United States attorneys; and the names and locations
24 of schools and day care facilities attended by the children of
25 current or former United States attorneys and assistant United
26 States attorneys are exempt from s. 119.07(1) ~~subsection (1)~~
27 and s. 24(a), Art. I of the State Constitution. This
28 subparagraph is subject to the Open Government Sunset Review
29 Act ~~of 1995~~ in accordance with s. 119.15 and shall stand
30 repealed on October 2, 2009, unless reviewed and saved from
31 repeal through reenactment by the Legislature.

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1 4. The home addresses, telephone numbers, social
2 security numbers, and photographs of current or former judges
3 of United States Courts of Appeal, United States district
4 judges, and United States magistrate judges; the home
5 addresses, telephone numbers, social security numbers,
6 photographs, and places of employment of the spouses and
7 children of current or former judges of United States Courts
8 of Appeal, United States district judges, and United States
9 magistrate judges; and the names and locations of schools and
10 day care facilities attended by the children of current or
11 former judges of United States Courts of Appeal, United States
12 district judges, and United States magistrate judges are
13 exempt from s. 119.07(1) ~~subsection (1)~~ and s. 24(a), Art. I
14 of the State Constitution. This subparagraph is subject to the
15 Open Government Sunset Review Act ~~of 1995~~ in accordance with
16 s. 119.15~~7~~ and shall stand repealed on October 2, 2009, unless
17 reviewed and saved from repeal through reenactment by the
18 Legislature.

19 5. The home addresses, telephone numbers, social
20 security numbers, and photographs of current or former code
21 enforcement officers; the names, home addresses, telephone
22 numbers, social security numbers, photographs, and places of
23 employment of the spouses and children of such persons; and
24 the names and locations of schools and day care facilities
25 attended by the children of such persons are exempt from s.
26 119.07(1) ~~subsection (1)~~ and s. 24(a), Art. I of the State
27 Constitution. This subparagraph is subject to the Open
28 Government Sunset Review Act ~~of 1995~~ in accordance with s.
29 119.15~~7~~ and shall stand repealed on October 2, 2006, unless
30 reviewed and saved from repeal through reenactment by the
31 Legislature.

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1 6. An agency that is the custodian of the personal
2 information specified in subparagraph 1., subparagraph 2.,
3 subparagraph 3., subparagraph 4., or subparagraph 5.7 and that
4 is not the employer of the officer, employee, justice, judge,
5 or other person specified in subparagraph 1., subparagraph 2.,
6 subparagraph 3., subparagraph 4., or subparagraph 5.7 shall
7 maintain the exempt status of the personal information only if
8 the officer, employee, justice, judge, other person, or
9 employing agency of the designated employee submits a written
10 request for maintenance of the exemption to the custodial
11 agency.

12 Section 24. Subsections (1) through (11) of section
13 119.0721, and paragraph (gg) of subsection (6) of section
14 119.07, Florida Statutes, are transferred, redesignated as
15 paragraph (a) of subsection (5) of section 119.071, Florida
16 Statutes, and amended to read:

17 119.071 General exemptions from inspection or copying
18 of public records.--

19 (5) OTHER PERSONAL INFORMATION.--

20 (a)1. The Legislature acknowledges that the social
21 security number was never intended to be used for business
22 purposes but was intended to be used solely for the
23 administration of the federal Social Security System. The
24 Legislature is further aware that over time this unique
25 numeric identifier has been used extensively for identity
26 verification purposes and other legitimate consensual
27 purposes. The Legislature is also cognizant of the fact that
28 the social security number can be used as a tool to perpetuate
29 fraud against a person and to acquire sensitive personal,
30 financial, medical, and familial information, the release of
31 which could cause great financial or personal harm to an

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1 individual. The Legislature intends to monitor the commercial
2 use of social security numbers held by state agencies in order
3 to maintain a balanced public policy.

4 2. An agency shall not collect an individual's social
5 security number unless authorized by law to do so or unless
6 the collection of the social security number is otherwise
7 imperative for the performance of that agency's duties and
8 responsibilities as prescribed by law. Social security numbers
9 collected by an agency must be relevant to the purpose for
10 which collected and shall not be collected until and unless
11 the need for social security numbers has been clearly
12 documented. An agency that collects social security numbers
13 shall also segregate that number on a separate page from the
14 rest of the record, or as otherwise appropriate, in order that
15 the social security number be more easily redacted, if
16 required, pursuant to a public records request. An agency
17 collecting a person's social security number shall, upon that
18 person's request, at the time of or prior to the actual
19 collection of the social security number by that agency,
20 provide that person with a statement of the purpose or
21 purposes for which the social security number is being
22 collected and used. Social security numbers collected by an
23 agency shall not be used by that agency for any purpose other
24 than the purpose stated. Social security numbers collected by
25 an agency prior to May 13, 2002, shall be reviewed for
26 compliance with this subparagraph. If the collection of a
27 social security number prior to May 13, 2002, is found to be
28 unwarranted, the agency shall immediately discontinue the
29 collection of social security numbers for that purpose.

30 3. ~~(1)~~ Effective October 1, 2002, all social security
31 numbers held by an agency or its agents, employees, or

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1 ~~contractors~~ are confidential and exempt from s. 119.07(1) and
2 s. 24(a), Art. I of the State Constitution. This exemption
3 applies to all social security numbers held by an agency ~~and~~
4 ~~its agents, employees, or contractors~~ before, on, or after the
5 effective date of this exemption.

6 ~~4.(2)~~ Social security numbers may be disclosed to
7 another governmental entity or its agents, employees, or
8 contractors if disclosure is necessary for the receiving
9 entity to perform its duties and responsibilities. The
10 receiving governmental entity and its agents, employees, and
11 contractors shall maintain the confidential and exempt status
12 of such numbers.

13 ~~5.(3)~~ An agency shall not deny a commercial entity
14 engaged in the performance of a commercial activity as defined
15 in s. 14.203 or its agents, employees, or contractors access
16 to social security numbers, provided the social security
17 numbers will be used only in the normal course of business for
18 legitimate business purposes, and provided the commercial
19 entity makes a written request for social security numbers,
20 verified as provided in s. 92.525, legibly signed by an
21 authorized officer, employee, or agent of the commercial
22 entity. The verified written request must contain the
23 commercial entity's name, business mailing and location
24 addresses, business telephone number, and a statement of the
25 specific purposes for which it needs the social security
26 numbers and how the social security numbers will be used in
27 the normal course of business for legitimate business
28 purposes. The aggregate of these requests shall serve as the
29 basis for the agency report required in subparagraph 8.

30 ~~subsection (7).~~ An agency may request any other information
31 ~~as may be~~ reasonably necessary to verify the identity of the

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1 entity requesting the social security numbers and the specific
2 purposes for which such numbers will be used; however, an
3 agency has no duty to inquire beyond the information contained
4 in the verified written request. A legitimate business purpose
5 includes verification of the accuracy of personal information
6 received by a commercial entity in the normal course of its
7 business; use in a civil, criminal, or administrative
8 proceeding; use for insurance purposes; use in law enforcement
9 and investigation of crimes; use in identifying and preventing
10 fraud; use in matching, verifying, or retrieving information;
11 and use in research activities. A legitimate business purpose
12 does not include the display or bulk sale of social security
13 numbers to the general public or the distribution of such
14 numbers to any customer that is not identifiable by the
15 distributor.

16 ~~6.(4)~~ Any person who makes a false representation in
17 order to obtain a social security number pursuant to this
18 paragraph section, or any person who willfully and knowingly
19 violates ~~the provisions of this paragraph section~~, commits a
20 felony of the third degree, punishable as provided in s.
21 775.082 or s. 775.083. Any public officer who violates ~~any~~
22 ~~provision of this paragraph section~~ is guilty of a noncriminal
23 infraction, punishable by a fine not exceeding \$500. A
24 commercial entity that provides access to public records
25 containing social security numbers in accordance with this
26 paragraph section is not subject to the penalty provisions of
27 this subparagraph subsection.

28 ~~7.a.(5)(a)~~ On or after October 1, 2002, a ~~no~~ person
29 preparing or filing a document to be recorded in the official
30 records by the county recorder as provided for in chapter 28
31 may not include any person's social security number in that

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1 document, unless otherwise expressly required by law. If a
2 social security number is or has been included in a document
3 presented to the county recorder for recording in the official
4 records of the county before, on, or after October 1, 2002, it
5 may be made available as part of the official record available
6 for public inspection and copying.

7 ~~b. (b)~~ Any person, or his or her attorney or legal
8 guardian, has the right to request that a county recorder
9 remove, from an image or copy of an official record placed on
10 a county recorder's publicly available Internet website or a
11 publicly available Internet website used by a county recorder
12 to display public records or otherwise made electronically
13 available to the general public by such recorder, his or her
14 social security number contained in that official
15 record. Such request must be made in writing, legibly signed
16 by the requester and delivered by mail, facsimile, or
17 electronic transmission, or delivered in person, to the county
18 recorder. The request must specify the identification page
19 number that contains the social security number to be
20 redacted. The county recorder ~~has~~ ~~shall have~~ no duty to
21 inquire beyond the written request to verify the identity of a
22 person requesting redaction. ~~A~~ ~~No~~ fee ~~shall not~~ ~~will~~ be
23 charged for the redaction of a social security number pursuant
24 to such request.

25 ~~c. (c)~~ A county recorder shall immediately and
26 conspicuously post signs throughout his or her offices for
27 public viewing ~~and~~, shall immediately and conspicuously post a
28 notice on any Internet website or remote electronic site made
29 available by the county recorder and used for the ordering or
30 display of official records or images or copies of official
31 records, ~~and shall, prior to October 1, 2002, publish on two~~

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1 ~~separate dates in a newspaper of general circulation in the~~
2 ~~county where the county recorder's office is located as~~
3 ~~provided for in chapter 50,~~ a notice, stating, in
4 substantially similar form, the following:

5 (I) ~~1-~~ On or after October 1, 2002, any person
6 preparing or filing a document for recordation in the official
7 records may not include a social security number in such
8 document, unless required by law.

9 (II) ~~2-~~ Any person has a right to request a county
10 recorder to remove, from an image or copy of an official
11 record placed on a county recorder's publicly available
12 Internet website or on a publicly available Internet website
13 used by a county recorder to display public records or
14 otherwise made electronically available to the general public,
15 any social security number contained in an official
16 record. Such request must be made in writing and delivered by
17 mail, facsimile, or electronic transmission, or delivered in
18 person, to the county recorder. The request must specify the
19 identification page number that contains the social security
20 number to be redacted. No fee will be charged for the
21 redaction of a social security number pursuant to such a
22 request.

23 ~~d. (gg) 1-~~ Until January 1, 2006, if a social security
24 number, made confidential and exempt pursuant to this
25 paragraph ~~s. 119.0721, created pursuant to s. 1, ch. 2002-256,~~
26 ~~passed during the 2002 regular legislative session,~~ or a
27 complete bank account, debit, charge, or credit card number
28 made exempt pursuant to paragraph (5) (b) (dd), ~~created~~
29 ~~pursuant to s. 1, ch. 2002-257, passed during the 2002 regular~~
30 ~~legislative session,~~ is or has been included in a court file,
31 such number may be included as part of the court record

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1 available for public inspection and copying unless redaction
2 is requested by the holder of such number, or by the holder's
3 attorney or legal guardian, in a signed, legibly written
4 request specifying the case name, case number, document
5 heading, and page number. The request must be delivered by
6 mail, facsimile, electronic transmission, or in person to the
7 clerk of the circuit court. The clerk of the circuit court
8 does not have a duty to inquire beyond the written request to
9 verify the identity of a person requesting redaction. A fee
10 may not be charged for the redaction of a social security
11 number or a bank account, debit, charge, or credit card number
12 pursuant to such request.

13 ~~e.2.~~ Any person who prepares or files a document to be
14 recorded in the official records by the county recorder as
15 provided in chapter 28 may not include a person's social
16 security number or complete bank account, debit, charge, or
17 credit card number in that document unless otherwise expressly
18 required by law. Until January 1, 2006, if a social security
19 number or a complete bank account, debit, charge or credit
20 card number is or has been included in a document presented to
21 the county recorder for recording in the official records of
22 the county, such number may be made available as part of the
23 official record available for public inspection and copying.
24 Any person, or his or her attorney or legal guardian, may
25 request that a county recorder remove from an image or copy of
26 an official record placed on a county recorder's publicly
27 available Internet website, or a publicly available Internet
28 website used by a county recorder to display public records
29 outside the office or otherwise made electronically available
30 outside the county recorder's office to the general public,
31 his or her social security number or complete account, debit,

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1 charge, or credit card number contained in that official
2 record. Such request must be legibly written, signed by the
3 requester, and delivered by mail, facsimile, electronic
4 transmission, or in person to the county recorder. The request
5 must specify the identification page number of the document
6 that contains the number to be redacted. The county recorder
7 does not have a duty to inquire beyond the written request to
8 verify the identity of a person requesting redaction. A fee
9 may not be charged for redacting such numbers.

10 f. Subparagraphs 2. and 3. ~~Upon the effective date of~~
11 ~~this act, subsections (3) and (4) of s. 119.0721,~~ do not apply
12 to the clerks of the court or the county recorder with respect
13 to circuit court records and official records.

14 g.4. On January 1, 2006, and thereafter, the clerk of
15 the circuit court and the county recorder must keep complete
16 bank account, debit, charge, and credit card numbers exempt as
17 provided for in paragraph (5) (b) (dd), and must keep social
18 security numbers confidential and exempt as provided for in
19 subparagraph (a)3. ~~s. 119.0721~~, without any person having to
20 request redaction.

21 8.(6) Beginning January 31, 2004, and each January 31
22 thereafter, every agency must file a report with the Secretary
23 of State, the President of the Senate, and the Speaker of the
24 House of Representatives listing the identity of all
25 commercial entities that have requested social security
26 numbers during the preceding calendar year and the specific
27 purpose or purposes stated by each commercial entity regarding
28 its need for social security numbers. If no disclosure
29 requests were made, the agency shall so indicate.

30 ~~(7) The Legislature acknowledges that the social~~
31 ~~security number was never intended to be used for business~~

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1 ~~purposes but was intended to be used solely for the~~
2 ~~administration of the federal Social Security System. The~~
3 ~~Legislature is further aware that over time this unique~~
4 ~~numeric identifier has been used extensively for identity~~
5 ~~verification purposes and other legitimate consensual~~
6 ~~purposes. The Legislature is also cognizant of the fact that~~
7 ~~the social security number can be used as a tool to perpetuate~~
8 ~~fraud against a person and to acquire sensitive personal,~~
9 ~~financial, medical, and familial information, the release of~~
10 ~~which could cause great financial or personal harm to an~~
11 ~~individual. The Legislature intends to monitor the commercial~~
12 ~~use of social security numbers held by state agencies in order~~
13 ~~to maintain a balanced public policy.~~

14 ~~(8) An agency shall not collect an individual's social~~
15 ~~security number unless authorized by law to do so or unless~~
16 ~~the collection of the social security number is otherwise~~
17 ~~imperative for the performance of that agency's duties and~~
18 ~~responsibilities as prescribed by law. Social security numbers~~
19 ~~collected by an agency must be relevant to the purpose for~~
20 ~~which collected and shall not be collected until and unless~~
21 ~~the need for social security numbers has been clearly~~
22 ~~documented. An agency that collects social security numbers~~
23 ~~shall also segregate that number on a separate page from the~~
24 ~~rest of the record, or as otherwise appropriate, in order that~~
25 ~~the social security number be more easily redacted, if~~
26 ~~required, pursuant to a public records request. An agency~~
27 ~~collecting a person's social security number shall, upon that~~
28 ~~person's request, at the time of or prior to the actual~~
29 ~~collection of the social security number by that agency,~~
30 ~~provide that person with a statement of the purpose or~~
31 ~~purposes for which the social security number is being~~

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~~collected and used. Social security numbers collected by an agency shall not be used by that agency for any purpose other than the purpose stated. Social security numbers collected by an agency prior to May 13, 2002, shall be reviewed for compliance with this subsection. If the collection of a social security number prior to May 13, 2002, is found to be unwarranted, the agency shall immediately discontinue the collection of social security numbers for that purpose.~~

~~9.(9)~~ Any affected person may petition the circuit court for an order directing compliance with this paragraph ~~section~~.

~~10.(10)~~ The provisions of This paragraph ~~does~~ ~~section~~ do not supersede any other applicable public records exemptions existing prior to May 13, 2002, or created thereafter.

~~11.(11)~~ This paragraph ~~section~~ is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed October 2, 2007, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 25. Paragraph (dd) of subsection (6) of section 119.07, Florida Statutes, is transferred, redesignated as paragraph (b) of subsection (5) of section 119.071, Florida Statutes, and amended to read:

119.071 General exemptions from inspection or copying of public records.--

(5) OTHER PERSONAL INFORMATION.--

~~(b)(dd)~~ Bank account numbers and debit, charge, and credit card numbers held by an agency are exempt from s. 119.07(1) subsection (1) and s. 24(a), Art. I of the State Constitution. This exemption applies to bank account numbers

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1 and debit, charge, and credit card numbers held by an agency
2 before, on, or after the effective date of this exemption.
3 This paragraph is subject to the Open Government Sunset Review
4 Act ~~of 1995~~ in accordance with s. 119.157, and shall stand
5 repealed on October 2, 2007, unless reviewed and saved from
6 repeal through reenactment by the Legislature.

7 Section 26. Paragraph (jj) of subsection (6) of
8 section 119.07, Florida Statutes, is transferred, redesignated
9 as paragraph (c) of subsection (5) of section 119.071, Florida
10 Statutes, and amended to read:

11 119.071 General exemptions from inspection or copying
12 of public records.--

13 (5) OTHER PERSONAL INFORMATION.--

14 (c)(jj) Any information that would identify or help to
15 locate a child who participates in government-sponsored
16 recreation programs or camps or the parents or guardians of
17 such child, including, but not limited to, the name, home
18 address, telephone number, social security number, or
19 photograph of the child; the names and locations of schools
20 attended by such child; and the names, home addresses, and
21 social security numbers of parents or guardians of such child
22 is exempt from s. 119.07(1) subsection (1) and s. 24(a), Art.
23 I of the State Constitution. Information made exempt pursuant
24 to this paragraph may be disclosed by court order upon a
25 showing of good cause. This exemption applies to records held
26 before, on, or after the effective date of this exemption.

27 Section 27. Paragraph (r) of subsection (6) of section
28 119.07, Florida Statutes, is transferred, redesignated as
29 paragraph (d) of subsection (5) of section 119.071, Florida
30 Statutes, and amended to read:

31 119.071 General exemptions from inspection or copying

1 of public records.--

2 (5) OTHER PERSONAL INFORMATION.--

3 (d)(r) All records supplied by a telecommunications
4 company, as defined by s. 364.02, to an a state or local
5 governmental agency which contain the name, address, and
6 telephone number of subscribers are confidential and exempt
7 from s. 119.07(1) the provisions of subsection (1) and s.
8 24(a), Art. I of the State Constitution.

9 Section 28. Paragraph (j) of subsection (6) of section
10 119.07, Florida Statutes, is transferred, redesignated as
11 paragraph (e) of subsection (5) of section 119.071, Florida
12 Statutes, and amended to read:

13 119.071 General exemptions from inspection or copying
14 of public records.--

15 (5) OTHER PERSONAL INFORMATION.--

16 (e)(j) Any information provided to an agency ~~of state~~
17 ~~government or to an agency of a political subdivision of the~~
18 ~~state~~ for the purpose of forming ridesharing arrangements,
19 which information reveals the identity of an individual who
20 has provided his or her name for ridesharing, as defined in s.
21 341.031, is exempt from s. 119.07(1) the provisions of
22 subsection (1) and s. 24(a), Art. I of the State Constitution.

23 Section 29. Paragraph (bb) of subsection (6) of
24 section 119.07, Florida Statutes, is transferred, redesignated
25 as paragraph (f) of subsection (5) of section 119.071, Florida
26 Statutes, and amended to read:

27 119.071 General exemptions from inspection or copying
28 of public records.--

29 (5) OTHER PERSONAL INFORMATION.--

30 (f)(bb) Medical history records and information
31 related to health or property insurance provided to the

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1 Department of Community Affairs, the Florida Housing Finance
2 Corporation, a county, a municipality, or a local housing
3 finance agency by an applicant for or a participant in a
4 federal, state, or local housing assistance program are
5 confidential and exempt from s. 119.07(1) ~~the provisions of~~
6 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
7 Governmental entities or their agents shall have access to
8 such confidential and exempt records and information for the
9 purpose of auditing federal, state, or local housing programs
10 or housing assistance programs. Such confidential and exempt
11 records and information may be used in any administrative or
12 judicial proceeding, provided such records are kept
13 confidential and exempt unless otherwise ordered by a court.

14 Section 30. Paragraph (q) of subsection (6) of section
15 119.07, Florida Statutes, is transferred, redesignated as
16 subsection (1) of section 119.0711, Florida Statutes, and
17 amended to read:

18 119.0711 Executive branch agency exemptions from
19 inspection or copying of public records.--

20 (1)(q) All complaints and other records in the custody
21 of any agency in the executive branch of state government
22 which relate to a complaint of discrimination relating to
23 race, color, religion, sex, national origin, age, handicap, or
24 marital status in connection with hiring practices, position
25 classifications, salary, benefits, discipline, discharge,
26 employee performance, evaluation, or other related activities
27 are exempt from s. 119.07(1) ~~the provisions of subsection (1)~~
28 and s. 24(a), Art. I of the State Constitution until a finding
29 is made relating to probable cause, the investigation of the
30 complaint becomes inactive, or the complaint or other record
31 is made part of the official record of any hearing or court

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1 proceeding. This provision shall not affect any function or
2 activity of the Florida Commission on Human Relations. Any
3 state or federal agency that ~~which~~ is authorized to have
4 access to such complaints or records by any provision of law
5 shall be granted such access in the furtherance of such
6 agency's statutory duties, ~~notwithstanding the provisions of~~
7 ~~this section.~~

8 Section 31. Paragraph (n) of subsection (6) of section
9 119.07, Florida Statutes, is transferred, redesignated as
10 subsection (2) of section 119.0711, Florida Statutes, and
11 amended to read:

12 119.0711 Executive branch agency exemptions from
13 inspection or copying of public records.--

14 (2)(n) When an agency of the executive branch of state
15 government seeks to acquire real property by purchase or
16 through the exercise of the power of eminent domain all
17 appraisals, other reports relating to value, offers, and
18 counteroffers must be in writing and are exempt from s.
19 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art.
20 I of the State Constitution until execution of a valid option
21 contract or a written offer to sell that has been
22 conditionally accepted by the agency, at which time the
23 exemption shall expire. The agency shall not finally accept
24 the offer for a period of 30 days in order to allow public
25 review of the transaction. The agency may give conditional
26 acceptance to any option or offer subject only to final
27 acceptance by the agency after the 30-day review period. If a
28 valid option contract is not executed, or if a written offer
29 to sell is not conditionally accepted by the agency, then the
30 exemption ~~from the provisions of this chapter~~ shall expire at
31 the conclusion of the condemnation litigation of the subject

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1 | property. An agency of the executive branch may exempt title
2 | information, including names and addresses of property owners
3 | whose property is subject to acquisition by purchase or
4 | through the exercise of the power of eminent domain, from s.
5 | 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art.
6 | I of the State Constitution to the same extent as appraisals,
7 | other reports relating to value, offers, and
8 | counteroffers. For the purpose of this subsection ~~paragraph~~,
9 | the term "option contract" means an agreement of an agency of
10 | the executive branch of state government to purchase real
11 | property subject to final agency approval. This subsection
12 | ~~has paragraph shall have~~ no application to other exemptions
13 | from s. 119.07(1) ~~the provisions of subsection (1)~~ which are
14 | contained in other provisions of law and shall not be
15 | construed to be an express or implied repeal thereof.

16 | Section 32. Paragraph (cc) of subsection (6) of
17 | section 119.07, Florida Statutes, is transferred, redesignated
18 | as subsection (1) of section 119.0712, Florida Statutes, and
19 | amended to read:

20 | 119.0712 Executive branch agency-specific exemptions
21 | from inspection or copying of public records.--

22 | ~~(1)(cc)~~ DEPARTMENT OF HEALTH.--All personal
23 | identifying information; bank account numbers; and debit,
24 | charge, and credit card numbers contained in records relating
25 | to an individual's personal health or eligibility for
26 | health-related services held ~~made or received~~ by the
27 | Department of Health ~~or its service providers~~ are confidential
28 | and exempt from s. 119.07(1) ~~the provisions of subsection (1)~~
29 | and s. 24(a), Art. I of the State Constitution, except as
30 | otherwise provided in this subsection ~~paragraph~~. Information
31 | made confidential and exempt by this subsection ~~paragraph~~

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1 shall be disclosed:

2 ~~(a)1-~~ With the express written consent of the
3 individual or the individual's legally authorized
4 representative.

5 ~~(b)2-~~ In a medical emergency, but only to the extent
6 necessary to protect the health or life of the individual.

7 ~~(c)3-~~ By court order upon a showing of good cause.

8 ~~(d)4-~~ To a health research entity, if the entity seeks
9 the records or data pursuant to a research protocol approved
10 by the department, maintains the records or data in accordance
11 with the approved protocol, and enters into a purchase and
12 data-use agreement with the department, the fee provisions of
13 which are consistent with s. 119.07(4) ~~subsection (4)~~. The
14 department may deny a request for records or data if the
15 protocol provides for intrusive follow-back contacts, has not
16 been approved by a human studies institutional review board,
17 does not plan for the destruction of confidential records
18 after the research is concluded, is administratively
19 burdensome, or does not have scientific merit. The agreement
20 must restrict the release of any information ~~that, which~~ would
21 permit the identification of persons, limit the use of records
22 or data to the approved research protocol, and prohibit any
23 other use of the records or data. Copies of records or data
24 issued pursuant to this paragraph ~~subparagraph~~ remain the
25 property of the department.

26
27 This subsection ~~paragraph~~ is subject to the Open Government
28 Sunset Review Act ~~of 1995~~, in accordance with s. 119.15, and
29 shall stand repealed on October 2, 2006, unless reviewed and
30 saved from repeal through reenactment by the Legislature.

31 Section 33. Paragraph (aa) of subsection (6) of

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1 section 119.07, Florida Statutes, is transferred, redesignated
2 as subsection (2) of section 119.0712, Florida Statutes, and
3 amended to read:

4 119.0712 Executive branch agency-specific exemptions
5 from inspection or copying of public records.--

6 (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.--

7 ~~(aa)~~ Personal information contained in a motor vehicle
8 record that identifies the subject of that record is exempt
9 from s. 119.07(1) subsection (1) and s. 24(a), Art. I of the
10 State Constitution except as provided in this section
11 ~~paragraph~~. Personal information includes, but is not limited
12 to, the subject's social security number, driver
13 identification number, name, address, telephone number, and
14 medical or disability information. For purposes of this
15 subsection ~~paragraph~~, personal information does not include
16 information relating to vehicular crashes, driving violations,
17 and driver's status. For purposes of this subsection
18 ~~paragraph~~, the term "motor vehicle record" means any record
19 that pertains to a motor vehicle operator's permit, motor
20 vehicle title, motor vehicle registration, or identification
21 card issued by the Department of Highway Safety and Motor
22 Vehicles. Personal information contained in motor vehicle
23 records exempted by this subsection ~~paragraph~~ shall be
24 released by the department for any of the following uses:

25 (a)1- For use in connection with matters of motor
26 vehicle or driver safety and theft; motor vehicle emissions;
27 motor vehicle product alterations, recalls, or advisories;
28 performance monitoring of motor vehicles and dealers by motor
29 vehicle manufacturers; and removal of nonowner records from
30 the original owner records of motor vehicle manufacturers, to
31 carry out the purposes of the Automobile Information

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1 Disclosure Act, the Motor Vehicle Information and Cost Saving
2 Act, the National Traffic and Motor Vehicle Safety Act of
3 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

4 ~~(b)2.~~ For use by any government agency, including any
5 court or law enforcement agency, in carrying out its
6 functions, or any private person or entity acting on behalf of
7 a federal, state, or local agency in carrying out its
8 functions.

9 ~~(c)3.~~ For use in connection with matters of motor
10 vehicle or driver safety and theft; motor vehicle emissions;
11 motor vehicle product alterations, recalls, or advisories;
12 performance monitoring of motor vehicles, motor vehicle parts,
13 and dealers; motor vehicle market research activities,
14 including survey research; and removal of nonowner records
15 from the original owner records of motor vehicle
16 manufacturers.

17 ~~(d)4.~~ For use in the normal course of business by a
18 legitimate business or its agents, employees, or contractors,
19 but only:

20 ~~1.a.~~ To verify the accuracy of personal information
21 submitted by the individual to the business or its agents,
22 employees, or contractors; and

23 ~~2.b.~~ If such information as so submitted is not
24 correct or is no longer correct, to obtain the correct
25 information, but only for the purposes of preventing fraud by,
26 pursuing legal remedies against, or recovering on a debt or
27 security interest against, the individual.

28 ~~(e)5.~~ For use in connection with any civil, criminal,
29 administrative, or arbitral proceeding in any court or agency
30 or before any self-regulatory body for:

31 ~~1.a.~~ Service of process by any certified process

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1 server, special process server, or other person authorized to
2 serve process in this state.

3 ~~2.b.~~ Investigation in anticipation of litigation by an
4 attorney licensed to practice law in this state or the agent
5 of the attorney; however, the information may not be used for
6 mass commercial solicitation of clients for litigation against
7 motor vehicle dealers.

8 ~~3.c.~~ Investigation by any person in connection with
9 any filed proceeding; however, the information may not be used
10 for mass commercial solicitation of clients for litigation
11 against motor vehicle dealers.

12 ~~4.d.~~ Execution or enforcement of judgments and orders.

13 ~~5.e.~~ Compliance with an order of any court.

14 ~~(f)6.~~ For use in research activities and for use in
15 producing statistical reports, so long as the personal
16 information is not published, redisclosed, or used to contact
17 individuals.

18 ~~(g)7.~~ For use by any insurer or insurance support
19 organization, or by a self-insured entity, or its agents,
20 employees, or contractors, in connection with claims
21 investigation activities, anti-fraud activities, rating, or
22 underwriting.

23 ~~(h)8.~~ For use in providing notice to the owners of
24 towed or impounded vehicles.

25 ~~(i)9.~~ For use by any licensed private investigative
26 agency or licensed security service for any purpose permitted
27 under this subsection ~~paragraph~~. Personal information obtained
28 based on an exempt driver's record may not be provided to a
29 client who cannot demonstrate a need based on a police report,
30 court order, or ~~a~~ business or personal relationship with the
31 subject of the investigation.

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1 ~~(j)10.~~ For use by an employer or its agent or insurer
2 to obtain or verify information relating to a holder of a
3 commercial driver's license that is required under 49 U.S.C.
4 ss. 31301 et seq.

5 ~~(k)11.~~ For use in connection with the operation of
6 private toll transportation facilities.

7 ~~(l)12.~~ For bulk distribution for surveys, marketing,
8 or solicitations when the department has obtained the express
9 consent of the person to whom such personal information
10 pertains.

11 ~~(m)13.~~ For any use if the requesting person
12 demonstrates that he or she has obtained the written consent
13 of the person who is the subject of the motor vehicle record.

14 ~~(n)14.~~ For any other use specifically authorized by
15 state law, if such use is related to the operation of a motor
16 vehicle or public safety.

17 ~~(o)15.~~ For any other use if the person to whom the
18 information pertains has given express consent on a form
19 prescribed by the department. Such consent shall remain in
20 effect until it is revoked by the person on a form prescribed
21 by the department.

22
23 The restrictions on disclosure of personal information
24 provided by this subsection ~~paragraph~~ shall not in any way
25 affect the use of organ donation information on individual
26 driver licenses or ~~nor~~ affect the administration of organ
27 donation initiatives in this state. Personal information
28 exempted from public disclosure according to this subsection
29 ~~paragraph~~ may be disclosed by the Department of Highway Safety
30 and Motor Vehicles to an individual, firm, corporation, or
31 similar business entity whose primary business interest is to

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1 resell or redisclose the personal information to persons who
2 are authorized to receive such information. Prior to the
3 department's disclosure of personal information, such
4 individual, firm, corporation, or similar business entity must
5 first enter into a contract with the department regarding the
6 care, custody, and control of the personal information to
7 ensure compliance with the federal Driver's Privacy Protection
8 Act of 1994 and applicable state laws. An authorized recipient
9 of personal information contained in a motor vehicle record,
10 except a recipient under paragraph (1) ~~subparagraph 12.~~, may
11 contract with the Department of Highway Safety and Motor
12 Vehicles to resell or redisclose the information for any use
13 permitted under this section ~~paragraph~~. However, only
14 authorized recipients of personal information under paragraph
15 ~~(1) subparagraph 12.~~ may resell or redisclose personal
16 information pursuant to paragraph (1) ~~subparagraph 12.~~ Any
17 authorized recipient who resells or rediscloses personal
18 information shall maintain, for a period of 5 years, records
19 identifying each person or entity that receives the personal
20 information and the permitted purpose for which it will be
21 used. Such records shall be made available for inspection upon
22 request by the department. The department shall adopt rules to
23 carry out the purposes of this subsection ~~paragraph~~ and the
24 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.
25 2721 et seq. Rules adopted by the department shall provide for
26 the payment of applicable fees and, prior to the disclosure of
27 personal information pursuant to this subsection ~~paragraph~~,
28 shall require the meeting of conditions by the requesting
29 person for the purposes of obtaining reasonable assurance
30 concerning the identity of such requesting person, and, to the
31 extent required, assurance that the use will be only as

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1 authorized or that the consent of the person who is the
2 subject of the personal information has been obtained. Such
3 conditions may include, but need not be limited to, the making
4 and filing of a written application in such form and
5 containing such information and certification requirements as
6 the department requires.

7 Section 34. Paragraph (p) of subsection (6) of section
8 119.07, Florida Statutes, is transferred, redesignated as
9 subsection (1) of section 119.0713, Florida Statutes, and
10 amended to read:

11 119.0713 Local government agency exemptions from
12 inspection or copying of public records.--

13 (1)(p) All complaints and other records in the custody
14 of any unit of local government which relate to a complaint of
15 discrimination relating to race, color, religion, sex,
16 national origin, age, handicap, marital status, sale or rental
17 of housing, the provision of brokerage services, or the
18 financing of housing are exempt from s. 119.07(1) ~~the~~
19 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
20 Constitution until a finding is made relating to probable
21 cause, the investigation of the complaint becomes inactive, or
22 the complaint or other record is made part of the official
23 record of any hearing or court proceeding. This provision
24 shall not affect any function or activity of the Florida
25 Commission on Human Relations. Any state or federal agency
26 that ~~which~~ is authorized to have access to such complaints or
27 records by any provision of law shall be granted such access
28 in the furtherance of such agency's statutory duties,
29 ~~notwithstanding the provisions of this section.~~ This
30 subsection ~~paragraph~~ shall not be construed to modify or
31 repeal any special or local act.

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1 Section 35. Paragraph (hh) of subsection (6) of
2 section 119.07, Florida Statutes, is transferred, redesignated
3 as subsection (2) of section 119.0713, Florida Statutes, and
4 amended to read:

5 119.0713 Local government agency exemptions from
6 inspection or copying of public records.--

7 (2) ~~(hh)~~ All personal identifying information contained
8 in records relating to a person's health held by local
9 governmental entities ~~or their service providers~~ for the
10 purpose of determining eligibility for paratransit services
11 under Title II of the Americans with Disabilities Act or
12 eligibility for the transportation disadvantaged program as
13 provided in part I of chapter 427 is confidential and exempt
14 from s. 119.07(1) ~~the provisions of subsection (1)~~ and s.
15 24(a), Art. I of the State Constitution, except as otherwise
16 provided in this subsection ~~herein~~. This exemption applies to
17 personal identifying information contained in such records
18 held by local governmental entities ~~or their service providers~~
19 before, on, or after the effective date of this exemption.
20 Information made confidential and exempt by this subsection
21 ~~paragraph~~ shall be disclosed:

22 (a) ~~1~~. With the express written consent of the
23 individual or the individual's legally authorized
24 representative;

25 (b) ~~2~~. In a medical emergency, but only to the extent
26 necessary to protect the health or life of the individual;

27 (c) ~~3~~. By court order upon a showing of good cause; or

28 (d) ~~4~~. For the purpose of determining eligibility for
29 paratransit services if the individual or the individual's
30 legally authorized representative has filed an appeal or
31 petition before an administrative body of a local government

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1 or a court.

2 Section 36. Paragraphs (y) and (z) of subsection (6)
3 of section 119.07, Florida Statutes, are transferred,
4 redesignated as subsections (3) and (4), respectively, of
5 section 119.0713, Florida Statutes, and amended to read:

6 119.0713 Local government agency exemptions from
7 inspection or copying of public records.--

8 (3)(y) The audit report of an internal auditor
9 prepared for or on behalf of a unit of local government
10 becomes a public record when the audit becomes final. As used
11 in this subsection paragraph, the term "unit of local
12 government" means a county, municipality, special district,
13 local agency, authority, consolidated city-county government,
14 or any other local governmental body or public body corporate
15 or politic authorized or created by general or special
16 law. An audit becomes final when the audit report is
17 presented to the unit of local government. Audit workpapers
18 and notes related to such audit report are confidential and
19 exempt from s. 119.07(1) the provisions of subsection (1) and
20 s. 24(a), Art. I of the State Constitution until the audit is
21 completed and the audit report becomes final.

22 (4)(z) Any data, record, or document used directly or
23 solely by a municipally owned utility to prepare and submit a
24 bid relative to the sale, distribution, or use of any service,
25 commodity, or tangible personal property to any customer or
26 prospective customer is shall be exempt from s. 119.07(1) the
27 provisions of subsection (1) and s. 24(a), Art. I of the State
28 Constitution. This exemption commences when a municipal
29 utility identifies in writing a specific bid to which it
30 intends to respond. This exemption no longer applies when the
31 contract for sale, distribution, or use of the service,

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1 commodity, or tangible personal property is executed, a
2 decision is made not to execute such contract, or the project
3 is no longer under active consideration. The exemption in this
4 ~~subsection~~ ~~paragraph~~ includes the bid documents actually
5 furnished in response to the request for bids. However, the
6 exemption for the bid documents submitted no longer applies
7 after the bids are opened by the customer or prospective
8 customer.

9 Section 37. Section 119.15, Florida Statutes, is
10 amended to read:

11 119.15 Legislative review of exemptions from public
12 meeting and public records requirements.--

13 (1) This section may be cited as the "Open Government
14 Sunset Review Act ~~of 1995.~~"

15 (2) This section provides for the review and repeal or
16 reenactment of an exemption from s. 24, Art. I of the State
17 Constitution and s. automatic application of the policy of
18 open government as provided in ss. 119.01 and 286.011 to
19 certain exemptions from ss. 119.07(1) or s. and 286.011. This
20 act does not apply to an exemption that:

21 (a) Is required by federal law; or

22 (b) Applies solely to the Legislature or the State
23 Court System. It is the intent of the Legislature that
24 exemptions to ss. 119.07(1) and 286.011 shall be created or
25 maintained only if:

26 ~~(a) The exempted record or meeting is of a sensitive,~~
27 ~~personal nature concerning individuals;~~

28 ~~(b) The exemption is necessary for the effective and~~
29 ~~efficient administration of a governmental program; or~~

30 ~~(c) The exemption affects confidential information~~
31 ~~concerning an entity.~~

1
2 ~~Thus, the maintenance or creation of an exemption must be~~
3 ~~compelled as measured by these criteria. Further, the~~
4 ~~Legislature finds that the public has a right to have access~~
5 ~~to executive branch governmental meetings and records unless~~
6 ~~the criteria in this section for restricting such access to a~~
7 ~~public meeting or public record are met and the criteria are~~
8 ~~considered during legislative review in connection with the~~
9 ~~particular exemption to be significant enough to override the~~
10 ~~strong public policy of open government. To strengthen the~~
11 ~~policy of open government, the Legislature shall consider the~~
12 ~~criteria in this section before enacting future exemptions.~~

13 (3) ~~(a)~~ In the 5th year after enactment of a new
14 exemption or substantial amendment of an existing exemption,
15 the exemption shall be repealed ~~repeal~~ on October 2nd of the
16 5th year, unless the Legislature acts to reenact the
17 exemption.

18 (4)(a) A law that enacts a new exemption or
19 substantially amends an existing exemption must state that the
20 record or meeting is:

21 1. Exempt from s. 24(a), Art. I of the State
22 Constitution;

23 2. Exempt from s. 119.07(1) or s. 286.011; and

24 3. State that the exemption is Repealed at the end of
25 5 years and that the exemption must be reviewed by the
26 Legislature before the scheduled repeal date.

27 (b) For purposes of this section, an exemption is
28 substantially amended if the amendment expands the scope of
29 the exemption to include more records or information or to
30 include meetings as well as records. An exemption is not
31 substantially amended if the amendment narrows the scope of

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1 the exemption.

2 (c) This section is not intended to repeal an
3 exemption that has been amended following legislative review
4 before the scheduled repeal of the exemption if the exemption
5 is not substantially amended as a result of the review.

6 ~~(5)(d)~~ By June 1 in the year before the repeal of an
7 exemption under this section, the Division of Statutory
8 Revision of the Office of Legislative Services shall certify
9 to the President of the Senate and the Speaker of the House of
10 Representatives, ~~by June 1,~~ the language and statutory
11 citation of each exemption scheduled for repeal the following
12 year ~~which meets the criteria of an exemption as defined in~~
13 ~~this section.~~

14 (b) Any exemption that is not identified and certified
15 to the President of the Senate and the Speaker of the House of
16 Representatives is not subject to legislative review and
17 repeal under this section. If the division fails to certify
18 an exemption that it subsequently determines should have been
19 certified, it shall include the exemption in the following
20 year's certification after that determination.

21 ~~(e) The term "exemption" means a provision of the~~
22 ~~Florida Statutes which creates an exception to s. 119.07(1) or~~
23 ~~s. 286.011 and which applies to the executive branch of state~~
24 ~~government or to local government, but it does not include any~~
25 ~~provision of a special law or local law.~~

26 ~~(f) An exemption that is required by federal law is~~
27 ~~not subject to repeal under this section.~~

28 ~~(g) An exemption that applies solely to the~~
29 ~~Legislature or the State Court System is not subject to repeal~~
30 ~~under this section.~~

31 ~~(6)(4)(a) The Legislature shall review the exemption~~

1 ~~before its scheduled repeal and consider~~ As part of the review
 2 process, the Legislature shall consider the following:

3 1. What specific records or meetings are affected by
 4 the exemption?

5 2. Whom does the exemption uniquely affect, as opposed
 6 to the general public?

7 3. What is the identifiable public purpose or goal of
 8 the exemption?

9 4. Can the information contained in the records or
 10 discussed in the meeting be readily obtained by alternative
 11 means? If so, how?

12 5. Is the record or meeting protected by another
 13 exemption?

14 6. Are there multiple exemptions for the same type of
 15 record or meeting that it would be appropriate to merge?

16 (b) An exemption may be created, revised, or
 17 maintained only if it serves an identifiable public purpose,
 18 and the exemption may be no broader than is necessary to meet
 19 the public purpose it serves. An identifiable public purpose
 20 is served if the exemption meets one of the following purposes
 21 and the Legislature finds that the purpose is sufficiently
 22 compelling to override the strong public policy of open
 23 government and cannot be accomplished without the exemption:

24 1. Allows the state or its political subdivisions to
 25 effectively and efficiently administer a governmental program,
 26 which administration would be significantly impaired without
 27 the exemption;

28 2. Protects information of a sensitive personal nature
 29 concerning individuals, the release of which information would
 30 be defamatory to such individuals or cause unwarranted damage
 31 to the good name or reputation of such individuals or would

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1 | jeopardize the safety of such individuals. However, in
2 | exemptions under this subparagraph, only information that
3 | would identify the individuals may be exempted; or

4 | 3. Protects information of a confidential nature
5 | concerning entities, including, but not limited to, a formula,
6 | pattern, device, combination of devices, or compilation of
7 | information which is used to protect or further a business
8 | advantage over those who do not know or use it, the disclosure
9 | of which information would injure the affected entity in the
10 | marketplace.

11 | ~~(7)(c)~~ Records made before the date of a repeal of an
12 | exemption under this section may not be made public unless
13 | otherwise provided by law. In deciding whether the records
14 | shall be made public, the Legislature shall consider whether
15 | the damage or loss to persons or entities uniquely affected by
16 | the exemption of the type specified in subparagraph (6)(b)2.
17 | ~~(b)2.~~ or subparagraph (6)(b)3. ~~(b)3.~~ would occur if the
18 | records were made public.

19 | ~~(d) An exemption that is created or revived and~~
20 | ~~reenacted must contain uniform language that clearly states~~
21 | ~~the section in the Florida Statutes from which it is exempt,~~
22 | ~~s. 119.07(1) or s. 286.011. The uniform language must also~~
23 | ~~provide for the maximum public access to the meetings and~~
24 | ~~records as is consistent with the purpose of the~~
25 | ~~exemption. An exemption that is created or substantially~~
26 | ~~amended must state that the exemption is repealed at the end~~
27 | ~~of 5 years and that the exemption must be reviewed by the~~
28 | ~~Legislature before the scheduled date of repeal.~~

29 | ~~(8)(e)~~ Notwithstanding s. 768.28 or any other law,
30 | neither the state or its political subdivisions nor any other
31 | public body shall be made party to any suit in any court or

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1 incur any liability for the repeal or revival and reenactment
2 of an exemption under this section. The failure of the
3 Legislature to comply strictly with this section does not
4 invalidate an otherwise valid reenactment.

5 Section 38. Paragraph (w) of subsection (6) of section
6 119.07, Florida Statutes, is transferred, redesignated as
7 section 112.31891, Florida Statutes, and amended to read:

8 112.31891 Investigatory records.--

9 (1)(w)1- If certified pursuant to subsection (2)
10 ~~subparagraph 2-~~, an investigatory record of the Chief
11 Inspector General within the Executive Office of the Governor
12 or of the employee designated by an agency head as the agency
13 inspector general under s. 112.3189 is exempt from s.
14 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art.
15 I of the State Constitution until the registration ceases to
16 be active, or a report detailing the investigation is provided
17 to the Governor or the agency head, or 60 days from the
18 inception of the investigation for which the record was made
19 or received, whichever first occurs. Investigatory records are
20 those records that ~~which~~ are related to the investigation of
21 an alleged, specific act or omission or other wrongdoing, with
22 respect to an identifiable person or group of persons, based
23 on information compiled by the Chief Inspector General or by
24 an agency inspector general, as named under the provisions of
25 s. 112.3189, in the course of an investigation. An
26 investigation is active if it is continuing with a reasonable,
27 good faith anticipation of resolution and with reasonable
28 dispatch.

29 (2)2- The Governor, in the case of the Chief Inspector
30 General, or agency head, in the case of an employee designated
31 as the agency inspector general under s. 112.3189, may certify

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1 that such investigatory records require an exemption to
2 protect the integrity of the investigation or avoid
3 unwarranted damage to an individual's good name or
4 reputation. The certification must ~~shall~~ specify the nature
5 and purpose of the investigation and shall be kept with the
6 exempt records and made public when the records are made
7 public.

8 ~~(3)3. The provisions of This section does paragraph do~~
9 not apply to whistle-blower investigations conducted pursuant
10 to ~~the provisions of~~ ss. 112.3187, 112.3188, 112.3189, and
11 112.31895.

12 Section 39. Section 119.19, Florida Statutes, is
13 transferred, redesignated as section 27.7081, Florida
14 Statutes, and amended to read:

15 27.7081 ~~119.19~~ Capital postconviction public records
16 production.--

17 (1) As used in this section, the term "trial court"
18 means:

19 (a) The judge who entered the judgment and imposed the
20 sentence of death; or

21 (b) If a motion for postconviction relief in a capital
22 case has been filed and a different judge has already been
23 assigned to that motion, the judge who is assigned to rule on
24 that motion.

25 (2) The Secretary of State shall establish and
26 maintain a records repository for the purpose of archiving
27 capital postconviction public records as provided for in this
28 section.

29 (3)(a) Upon imposition of a death sentence or upon the
30 effective date of this act with respect to any case in which a
31 death sentence has been imposed but the mandate has not yet

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1 | been issued in an appeal affirming the sentence, the
2 | prosecuting attorney shall promptly provide written
3 | notification to each law enforcement agency involved in the
4 | case and to the Department of Corrections. If available, the
5 | written notification must include the defendant's date of
6 | birth, sex, race, and police-case numbers included in the
7 | prosecuting attorney's case file.

8 | (b) Within 60 days after receipt of notification, each
9 | law enforcement agency involved in the case and the
10 | prosecuting attorney who prosecuted the case shall copy, seal,
11 | and deliver to the repository all public records, except for
12 | those filed in the trial court, which were produced in the
13 | investigation or prosecution of the case or, if the records
14 | are confidential or exempt, to the clerk of the court in the
15 | county in which the capital case was tried. Each agency shall
16 | bear the costs of its own compliance.

17 | (c) Within 60 days after notification, the Department
18 | of Corrections shall copy, seal, and deliver to the repository
19 | or, if the records are confidential or exempt, to the clerk of
20 | the court in the county in which the capital case was tried
21 | all public records determined by the department to be relevant
22 | to the subject matter of a capital postconviction claim of the
23 | person sentenced to death and where such production would not
24 | be unduly burdensome for the department. The department shall
25 | bear the costs.

26 | (4) (a) The chief law enforcement officer of each law
27 | enforcement agency that was involved in the case, whether
28 | through an investigation, arrest, prosecution, or
29 | incarceration, shall notify the Attorney General upon
30 | compliance with subsection (3) and shall certify that to the
31 | best of his or her knowledge and belief all public records in

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1 possession of the agency or in possession of any employee of
2 the agency have been copied, indexed, and delivered to the
3 records repository or, if the records are confidential or
4 exempt, to the clerk of the court in the county in which the
5 capital case was tried as required by this section.

6 (b) The prosecuting attorney who prosecuted the case
7 shall provide written notification to the Attorney General
8 upon compliance with subsection (3) and shall certify that to
9 the best of his or her knowledge and belief all public records
10 in his or her possession have been copied, indexed, and
11 delivered to the records repository or, if the records are
12 confidential or exempt, to the clerk of the court in the
13 county in which the capital case was tried as required by this
14 section.

15 (c) The Secretary of Corrections shall provide written
16 notification to the Attorney General upon compliance with
17 paragraph (3)(c) and shall certify that to the best of his or
18 her knowledge and belief all public records in the
19 department's possession have been copied, indexed, and
20 delivered to the records repository or, if the records are
21 confidential or exempt, to the clerk of the court in the
22 county in which the capital case was tried as required by this
23 section.

24 (5)(a) Within 60 days after the imposition of a death
25 sentence or upon the effective date of this act with respect
26 to any case in which a death sentence has been imposed but the
27 mandate has not yet been issued in an appeal affirming the
28 sentence, both the public defender or private counsel for the
29 defendant and the prosecuting attorney involved in the case
30 shall provide written notification to the Attorney General of
31 the name and address of any person or agency in addition to

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1 those persons and agencies listed in subsection (3) which may
2 have information pertinent to the case unless previously
3 provided to the capital collateral regional counsel or
4 postconviction private counsel. The Attorney General shall
5 promptly provide written notification to each identified
6 person or agency after receiving the information from the
7 public defender, private counsel for the defendant, or
8 prosecuting attorney and shall request that all public records
9 in the possession of the person or agency which pertain to the
10 case be copied, sealed, and delivered to the records
11 repository.

12 (b) Within 60 days after receiving a request for
13 public records under paragraph (a), the person or agency shall
14 provide written notification to the Attorney General of
15 compliance with this subsection and shall certify that to the
16 best of his or her knowledge and belief all public records
17 requested have been copied, indexed, and delivered to the
18 records repository or, if the records are confidential or
19 exempt, to the clerk of the court in the county in which the
20 capital case was tried.

21 (6)(a) Any public record under this section which is
22 confidential or exempt from the requirements of s. 119.07(1)
23 and s. 24(a), Art. I of the State Constitution must be
24 separately boxed, without being redacted, and sealed. The box
25 must be delivered to the clerk of court in the county in which
26 the capital case was tried. The outside of the box must
27 clearly identify the public records as exempt, and the seal
28 may not be broken without an order of the trial court. The
29 outside of the box must identify the nature of the public
30 records and the legal basis under which the public records are
31 exempt.

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1 (b) Such a box may be opened only for an inspection by
2 the trial court in camera and only after notice giving the
3 agency the option to have a representative present at the
4 unsealing by the court.

5 (7)(a) Within 180 days after a capital collateral
6 regional counsel or private counsel is appointed to represent
7 a defendant sentenced to death, or within 30 days after
8 issuance of the Florida Supreme Court's mandate affirming a
9 death sentence, whichever is later, the regional counsel,
10 private counsel, or other counsel who is a member of The
11 Florida Bar and is authorized by such counsel representing a
12 defendant may send a written demand for additional public
13 records to each person or agency submitting public records
14 under subsection (3) and to each person or agency identified
15 as having information pertinent to the case under subsection
16 (5). Should the written demand include requests for records
17 associated with particular named individuals, the written
18 demand shall also include a brief statement describing each
19 named person's role in the case and relationship to the
20 defendant. Race, sex, and date of birth shall also be included
21 in the demand if the public defender, private counsel, or
22 capital collateral regional counsel has such information. Each
23 person or agency notified under this subsection shall, within
24 60 days after receipt of the written demand, deliver to the
25 records repository or, if the records are confidential or
26 exempt, to the clerk of the court in the county in which the
27 capital case was tried any additional public records in the
28 possession of the person or agency which pertain to the case
29 and shall certify that to the best of his or her knowledge and
30 belief all additional public records have been delivered or,
31 if no additional public records are found, shall recertify

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1 that the public records previously delivered are complete.

2 (b) Within 25 days after receiving the written demand,
3 the agency or person may file an objection in the trial court
4 alleging that the request is overly broad or unduly
5 burdensome. Within 30 days after the filing of an objection,
6 the trial court shall hold a hearing and order an agency or
7 person to produce additional public records if it finds each
8 of the following:

9 1. The regional counsel or private counsel has made a
10 timely and diligent search as provided in this section.

11 2. The regional or private counsel's written demand
12 identifies, with specificity, those additional public records
13 that are not at the repository.

14 3. The additional public records sought are relevant
15 to the subject matter of a capital postconviction relief or
16 appear reasonably calculated to lead to the discovery of
17 admissible evidence in prosecuting such claim.

18 4. The additional public records request is not
19 overbroad or unduly burdensome.

20 (c) This statute shall not be a basis for renewing
21 requests that have been initiated previously or for
22 relitigating issues pertaining to production of public records
23 upon which a court has ruled.

24 (d) If, on October 1, 1998, the defendant had a Rule
25 3.850 motion denied and no Rule 3.850 motion was pending, no
26 additional requests shall be made by capital collateral
27 regional counsel or contracted private counsel until a death
28 warrant is signed by the Governor and an execution is
29 scheduled. Within 10 days of the signing of the death warrant,
30 capital collateral regional counsel or contracted private
31 counsel may request of a person or agency that the defendant

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1 has previously requested to produce records any records
2 previously requested to which no objection was raised or
3 sustained, but which the agency has received or produced since
4 the previous request or which for any reason the agency has in
5 its possession and did not produce within 10 days of the
6 receipt of the previous notice or such shorter time period
7 ordered by the court to comply with the time for the scheduled
8 execution. The person or agency shall produce the record or
9 shall file in the trial court an affidavit stating that it
10 does not have the requested record or that the record has been
11 produced previously.

12 (8)(a) After production of additional public records
13 or recertification as provided in subsection (7), the regional
14 counsel or the private counsel is prohibited from making any
15 further public records requests under this chapter. An agency
16 is not required to produce additional public records except by
17 court order as provided in this subsection.

18 (b) In order to obtain additional public records
19 beyond those provided under subsection (7), the regional
20 counsel, private counsel, or other counsel who is a member of
21 The Florida Bar and is authorized by the regional counsel or
22 private counsel shall file an affidavit in the trial court
23 which attests that he or she has made a timely and diligent
24 search of the records repository and specifically identifies
25 those additional public records that are not at the repository
26 and are relevant to the subject matter of a capital
27 postconviction claim or are reasonably calculated to lead to
28 the discovery of admissible evidence in the prosecution of
29 such claim. The affiant shall provide a copy of the affidavit
30 to all affected agencies upon the filing of such affidavit in
31 the trial court.

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1 (c) Within 15 days after the filing of an affidavit,
2 the trial court shall order an agency to produce additional
3 public records only if it finds each of the following:

4 1. The regional counsel or private counsel has made a
5 timely and diligent search as provided in this section.

6 2. The regional or private counsel's affidavit
7 identifies, with specificity, those additional public records
8 that are not at the repository.

9 3. The additional public records sought are relevant
10 to the subject matter of a claim for capital postconviction
11 relief or appear reasonably calculated to lead to the
12 discovery of admissible evidence in prosecuting such claim.

13 4. The additional public records request is not
14 overbroad or unduly burdensome.

15 (9) The Secretary of State shall provide the
16 personnel, supplies, and any necessary equipment used by the
17 capital collateral regional counsel or private counsel to copy
18 records held at the records repository.

19 (10) The trial court shall resolve any dispute that
20 arises under this section, unless the appellate court has
21 exclusive jurisdiction.

22 (11) The capital collateral regional counsel or
23 private counsel shall not solicit another person to make a
24 request for public records on behalf of the regional counsel
25 or private counsel. The trial court shall impose appropriate
26 sanctions against any regional counsel or private counsel
27 found in violation of this subsection.

28 (12) Sixty days after a capital sentence is carried
29 out, 60 days after a defendant is released from incarceration
30 following the granting of a pardon or reversal of the
31 sentence, or 60 days after the defendant has been resentenced

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1 to a term of years, the Attorney General shall provide written
2 notification to the Secretary of State, who may then destroy
3 the records held by the records repository which pertain to
4 that case.

5 (13) This section pertains only to the production of
6 records for capital postconviction defendants and does not
7 change or alter any time limitations provided by law governing
8 capital postconviction claims and actions. Furthermore, this
9 section does not affect, expand, or limit the production of
10 public records for any purposes other than use in a capital
11 postconviction proceeding. Nothing in this section constitutes
12 grounds to expand the time limitations or allow any pleading
13 in violation of chapter 924 or to stay an execution or death
14 warrant.

15 Section 40. Subsection (3) of section 27.708, Florida
16 Statutes, is amended to read:

17 27.708 Access to prisoners; compliance with the
18 Florida Rules of Criminal Procedure; records requests.--

19 (3) Except as provided in s. 27.7081 ~~119.19~~, the
20 capital collateral regional counsel or contracted private
21 counsel shall not make any public records request on behalf of
22 his or her client.

23 Section 41. Paragraph (d) of subsection (1) of section
24 101.5607, Florida Statutes, is amended to read:

25 101.5607 Department of State to maintain voting system
26 information; prepare software.--

27 (1)

28 (d) Section 119.071(1)(f) ~~119.07(6)(e)~~ applies to all
29 software on file with the Department of State.

30 Section 42. Paragraph (b) of subsection (2) of section
31 112.533, Florida Statutes, is amended to read:

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1 112.533 Receipt and processing of complaints.--

2 (2)

3 (b) This subsection does not apply to any public
4 record which is exempt from public disclosure pursuant to
5 chapter 119 s. 119.07(6). For the purposes of this subsection,
6 an investigation shall be considered active as long as it is
7 continuing with a reasonable, good faith anticipation that an
8 administrative finding will be made in the foreseeable future.
9 An investigation shall be presumed to be inactive if no
10 finding is made within 45 days after the complaint is filed.

11 Section 43. Paragraph (c) of subsection (3) of section
12 119.011, Florida Statutes, is amended to read:

13 119.011 Definitions.--As used in this chapter, the
14 term:

15 (3)

16 (c) "Criminal intelligence information" and "criminal
17 investigative information" shall not include:

18 1. The time, date, location, and nature of a reported
19 crime.

20 2. The name, sex, age, and address of a person
21 arrested or of the victim of a crime except as provided in s.
22 119.071(2)(h) ~~119.07(6)(f)~~.

23 3. The time, date, and location of the incident and of
24 the arrest.

25 4. The crime charged.

26 5. Documents given or required by law or agency rule
27 to be given to the person arrested, except as provided in s.
28 119.071(2)(h) ~~119.07(6)(f)~~, and, except that the court in a
29 criminal case may order that certain information required by
30 law or agency rule to be given to the person arrested be
31 maintained in a confidential manner and exempt from the

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1 provisions of s. 119.07(1) until released at trial if it is
2 found that the release of such information would:

3 a. Be defamatory to the good name of a victim or
4 witness or would jeopardize the safety of such victim or
5 witness; and

6 b. Impair the ability of a state attorney to locate or
7 prosecute a codefendant.

8 6. Informations and indictments except as provided in
9 s. 905.26.

10 Section 44. Section 286.0113, Florida Statutes, is
11 amended to read:

12 286.0113 General exemptions from public
13 meetings.--Those portions of any meeting which would reveal a
14 security system plan or portion thereof made confidential and
15 exempt by s. 119.071(3)(a) ~~(1)~~ are exempt from the provisions
16 of s. 286.011 and s. 24(b), Art. I of the State Constitution.
17 This section is subject to the Open Government Sunset Review
18 Act ~~of 1995~~, in accordance with s. 119.15, and shall stand
19 repealed on October 2, 2006, unless reviewed and saved from
20 repeal through reenactment by the Legislature.

21 Section 45. Paragraph (h) of subsection (2) of section
22 287.0943, Florida Statutes, is amended to read:

23 287.0943 Certification of minority business
24 enterprises.--

25 (2)

26 (h) The certification procedures should allow an
27 applicant seeking certification to designate on the
28 application form the information the applicant considers to be
29 proprietary, confidential business information. As used in
30 this paragraph, "proprietary, confidential business
31 information" includes, but is not limited to, any information

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1 that would be exempt from public inspection pursuant to the
2 provisions of chapter 119 ~~s. 119.07(6)~~; trade secrets;
3 internal auditing controls and reports; contract costs; or
4 other information the disclosure of which would injure the
5 affected party in the marketplace or otherwise violate s.
6 286.041. The executor in receipt of the application shall
7 issue written and final notice of any information for which
8 noninspection is requested but not provided for by law.

9 Section 46. Subsection (1) of section 320.05, Florida
10 Statutes, is amended to read:

11 320.05 Records of the department; inspection
12 procedure; lists and searches; fees.--

13 (1) Except as provided in chapter 119 ~~ss. 119.07(6)~~
14 and 320.025(3), the department may release records as provided
15 in this section.

16 Section 47. Subsection (8) of section 322.20, Florida
17 Statutes, is amended to read:

18 322.20 Records of the department; fees; destruction of
19 records.--

20 (8) Except as provided in chapter 119 ~~s. 119.07(6)~~,
21 the department may release records as provided in this
22 section.

23 Section 48. Paragraph (b) of subsection (2) of section
24 338.223, Florida Statutes, is amended to read:

25 338.223 Proposed turnpike projects.--

26 (2)

27 (b) In accordance with the legislative intent
28 expressed in s. 337.273, and after the requirements of
29 paragraph (1)(c) have been met, the department may acquire
30 lands and property before making a final determination of the
31 economic feasibility of a project. The requirements of

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1 paragraph (1)(c) do not apply to hardship and protective
2 purchases of advance right-of-way by the department. The cost
3 of advance acquisition of right-of-way may be paid from bonds
4 issued under s. 337.276 or from turnpike revenues. For
5 purposes of this paragraph, the term "hardship purchase" means
6 purchase from a property owner of a residential dwelling of
7 not more than four units who is at a disadvantage due to
8 health impairment, job loss, or significant loss of rental
9 income. For purposes of this paragraph, the term "protective
10 purchase" means that a purchase to limit development,
11 building, or other intensification of land uses within the
12 area right-of-way is needed for transportation facilities. The
13 department shall give written notice to the Department of
14 Environmental Protection 30 days before final agency
15 acceptance as set forth in s. 119.0711(2) ~~119.07(6)(n)~~, which
16 notice shall allow the Department of Environmental Protection
17 to comment. Hardship and protective purchases of right-of-way
18 shall not influence the environmental feasibility of a
19 project, including the decision relative to the need to
20 construct the project or the selection of a specific location.
21 Costs to acquire and dispose of property acquired as hardship
22 and protective purchases are considered costs of doing
23 business for the department and are not to be considered in
24 the determination of environmental feasibility for the
25 project.

26 Section 49. Subsection (5) of section 401.27, Florida
27 Statutes, is amended to read:

28 401.27 Personnel; standards and certification.--

29 (5) The certification examination must be offered
30 monthly. The department shall issue an examination admission
31 notice to the applicant advising him or her of the time and

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1 place of the examination for which he or she is scheduled.
2 Individuals achieving a passing score on the certification
3 examination may be issued a temporary certificate with their
4 examination grade report. The department must issue an
5 original certification within 45 days after the examination.
6 Examination questions and answers are not subject to discovery
7 but may be introduced into evidence and considered only in
8 camera in any administrative proceeding under chapter 120. If
9 an administrative hearing is held, the department shall
10 provide challenged examination questions and answers to the
11 administrative law judge. The department shall establish by
12 rule the procedure by which an applicant, and the applicant's
13 attorney, may review examination questions and answers in
14 accordance with s. 119.071(1)(a) ~~119.07(6)(a)~~.

15 Section 50. Section 409.2577, Florida Statutes, is
16 amended to read:

17 409.2577 Parent locator service.--The department shall
18 establish a parent locator service to assist in locating
19 parents who have deserted their children and other persons
20 liable for support of dependent children. The department shall
21 use all sources of information available, including the
22 Federal Parent Locator Service, and may request and shall
23 receive information from the records of any person or the
24 state or any of its political subdivisions or any officer
25 thereof. Any agency as defined in s. 120.52, any political
26 subdivision, and any other person shall, upon request, provide
27 the department any information relating to location, salary,
28 insurance, social security, income tax, and employment history
29 necessary to locate parents who owe or potentially owe a duty
30 of support pursuant to Title IV-D of the Social Security Act.
31 This provision shall expressly take precedence over any other

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1 statutory nondisclosure provision which limits the ability of
2 an agency to disclose such information, except that law
3 enforcement information as provided in s. 119.071(4)(d)
4 ~~119.07(6)(i)~~ is not required to be disclosed, and except that
5 confidential taxpayer information possessed by the Department
6 of Revenue shall be disclosed only to the extent authorized in
7 s. 213.053(15). Nothing in this section requires the
8 disclosure of information if such disclosure is prohibited by
9 federal law. Information gathered or used by the parent
10 locator service is confidential and exempt from the provisions
11 of s. 119.07(1). Additionally, the department is authorized to
12 collect any additional information directly bearing on the
13 identity and whereabouts of a person owing or asserted to be
14 owing an obligation of support for a dependent child. The
15 department shall, upon request, make information available
16 only to public officials and agencies of this state; political
17 subdivisions of this state, including any agency thereof
18 providing child support enforcement services to non-Title IV-D
19 clients; the custodial parent, legal guardian, attorney, or
20 agent of the child; and other states seeking to locate parents
21 who have deserted their children and other persons liable for
22 support of dependents, for the sole purpose of establishing,
23 modifying, or enforcing their liability for support, and shall
24 make such information available to the Department of Children
25 and Family Services for the purpose of diligent search
26 activities pursuant to chapter 39. If the department has
27 reasonable evidence of domestic violence or child abuse and
28 the disclosure of information could be harmful to the
29 custodial parent or the child of such parent, the child
30 support program director or designee shall notify the
31 Department of Children and Family Services and the Secretary

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1 of the United States Department of Health and Human Services
2 of this evidence. Such evidence is sufficient grounds for the
3 department to disapprove an application for location services.

4 Section 51. Subsection (1) of section 633.527, Florida
5 Statutes, is amended to read:

6 633.527 Records concerning applicant; extent of
7 confidentiality.--

8 (1) Test material is made confidential by s.
9 119.071(1)(a) ~~119.07(6)(a)~~. An applicant may waive in writing
10 the confidentiality of his or her examination answer sheet for
11 the purpose of discussion with the State Fire Marshal or his
12 or her staff.

13 Section 52. Subsection (1) of section 794.024, Florida
14 Statutes, is amended to read:

15 794.024 Unlawful to disclose identifying
16 information.--

17 (1) A public employee or officer who has access to the
18 photograph, name, or address of a person who is alleged to be
19 the victim of an offense described in this chapter, chapter
20 800, s. 827.03, s. 827.04, or s. 827.071 may not willfully and
21 knowingly disclose it to a person who is not assisting in the
22 investigation or prosecution of the alleged offense or to any
23 person other than the defendant, the defendant's attorney, a
24 person specified in an order entered by the court having
25 jurisdiction of the alleged offense, or organizations
26 authorized to receive such information made exempt by s.
27 119.071(2)(h) ~~119.07(6)(f)~~, or to a rape crisis center or
28 sexual assault counselor, as defined in s. 90.5035(1)(b), who
29 will be offering services to the victim.

30 Section 53. Paragraph (b) of subsection (8) of section
31 1007.35, Florida Statutes, is amended to read:

Bill No. SB 1144

Barcode 791040

1 1007.35 Florida Partnership for Minority and
2 Underrepresented Student Achievement.--

3 (8)

4 (b) The department shall contribute to the evaluation
5 process by providing access, consistent with s. 119.071(5)(a)
6 ~~119.0721~~, to student and teacher information necessary to
7 match against databases containing teacher professional
8 development data and databases containing assessment data for
9 the PSAT/NMSQT, SAT, AP, and other appropriate measures. The
10 department shall also provide student-level data on student
11 progress from middle school through high school and into
12 college and the workforce, if available, in order to support
13 longitudinal studies. The partnership shall analyze and report
14 student performance data in a manner that protects the rights
15 of students and parents as required in 20 U.S.C. s. 1232g and
16 s. 1002.22.

17 Section 54. This act shall take effect October 1,
18 2005.